

Forging Two Nations Insights on Sudan and South Sudan

**Edited by
Elke Grawert**



**Organisation for Social Science Research
in Eastern and Southern Africa (OSSREA)**

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**Organisation for Social Science Research
in Eastern and Southern Africa (OSSREA)**



Bonn International Center for Conversion

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Acronyms and abbreviations

ADRA	Adventist Development and Relief Agency
AUHIP	African Union High Implementation Panel
BCSSAC	Bureau for Community Security and Small Arms Control
CBO	Community-based organization
CBP	Community based policing
CFA	Cooperative Framework Agreement
CIDA	Canadian International Development Agency
COMESA	Common Market for Eastern and Southern Africa
CoTAL	Council of Traditional Authority Leaders of Warrap State
CPA	Comprehensive Peace Agreement
CSO	Civil society organization
CSSAC	Community security and small arms control
DPA	Darfur Peace Agreement
DDR	Disarmament, demobilization and reintegration
EAC	East African Community
EES	Eastern Equatoria State
ENTRO	East Nile Technical Regional Office
EPA	Economic Partnership Agreement
ESA	Eastern and Southern Africa
ESPA	Eastern Sudan Peace Agreement
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
GAFTA	Greater Arab Free Trade Area
GIZ	Deutsche Gesellschaft für internationale Zusammenarbeit
GoNU	Government of National Unity
GoS	Government of Sudan (before independence)—Government of the Republic of Sudan (after independence)
GoSS	Government of Southern Sudan (before independence)—Government of the Republic of South Sudan (after independence)
GRED	Grand Renaissance Ethiopian Dam
HAC	Humanitarian Affairs Commission
HCA	Humanitarian Ceasefire Agreement
HCDC	UK House of Commons Development Committee
HIV	Human immunodeficiency virus
ICC	International Criminal Court
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDDRS	UN Integrated DDR Standards
IDP	Internally displaced person
IGAD	Intergovernmental Authority on Development
IMF	International Monetary fund
INGO	International non-governmental organization
IOM	International Organization for Migration

JEM	Justice and Equality Movement
JIU	Joint Integrated Units
LAPSSET	Lamu Port–South Sudan–Ethiopia
LRA	Lord Resistance Army
MDGs	Millennium Development Goals
MDTF	Multi-Donor Trust Fund
MRMDA	Mineral Resource and Mining Development Act
NBI	Nile Basin Initiative
NCP	National Congress Party
NDDRC	Disarmament, Demobilisation and Reintegration Commission of South Sudan (since mid-2013)
NELSAP-CU	Nile Equatorial Lakes Action Programme -Coordinating Unit
NGO	Non-governmental organization
NIF	National Islamic Front
NSAA	Non-state armed actors
NTB	Non-trade barrier
NuWEDA	Nuba Women’s Education and Development Association
OLS	Operation Lifeline Sudan
P.A.R.I.S.	Productive Asset Recovery and Institutional Strengthening-Project
PDF	Popular Defense Force
REC	Regional economic community
RI	Regional integration
RIA	Regional integration agreements
RMG	Rebel militia groups
RRP	Recovery and Rehabilitation Project
RSS	Republic of South Sudan
RTA	Regional trade agreement
SADC	Southern African Development Community
SALW	Small arms and light weapons
SAF	Sudan Armed Forces
SAP	Subsidiary Action Program
SCR	UN Security Council Resolution
SD	Sudanese Pound
SECS	Sudan Environmental Conservation Society
SIHA	Strategic Initiative for Women in the Horn of Africa
SLA	Sudan Liberation Army
SLM/A	Sudan Liberation Movement/Army
SPLA	Sudan People’s Liberation Army
SPLM	Sudan People’s Liberation Movement
SRF	Sudan Revolutionary Front
SRF	Sudan Recovery Fund
SSDDRC	Disarmament, Demobilisation and Reintegration Commission of South Sudan (until mid-2013)

SSLM	Southern Sudan Liberation Movement
SSPS	South Sudan Police Service
SSR	Security sector reform
SSRRC	South Sudan Relief and Rehabilitation Commission
SuWEP	Sudanese Women Empowerment for Peace
TECCONILE	Technical Cooperation Committee for the Promotion of the Development and Environmental Protection of the Nile Basin
UNAMIS	United Nations Advance Mission in Sudan
UNDP	United Nations Development Programme
UNESCO	United Nations for Educational and Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNISFA	United Nations Interim Security Force for Abyei
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNSC	UN Security Council
UPDF	Uganda People's Defense Force
USAID	United States Agency for International Development
VSF G	Vétérinaires Sans Frontières Germany
WAAF	Women associated with armed forces
WHO	World Health Organization
WFP	World Food Programme
WTO	World Trade Organization
XCes	Ex-combatants

Foreword

Most of the papers in this book were presented during the 9th International South Sudan and Sudan Studies Conference of the Sudan Studies Association USA and the Sudan Studies Society UK, which the Bonn International Center for Conversion (BICC) organized at Bonn University from 23 to 25 July 2012. The Conference was entitled “Identity, Economy, Power Relations, and External Interests: Old and New Challenges for Sudan and South Sudan.” It was generously funded by the German Federal Ministry for Economic Cooperation and Development (BMZ) and other donors. The BMZ also funded this book publication, for which the editor extends deep gratitude.

150 scholars from numerous academic disciplines, experts in conflict transformation and development, staff of non-governmental organizations (NGOs), former and current senior officers from ministries and military institutions from Sudan, South Sudan, and seventeen further countries participated in the conference. They engaged in vivid discussions on historical and recent cleavages in the societies of Sudan and South Sudan, inequality and exclusion in numerous variations, and on rapid social change accompanied by urbanization and land conflicts. The severe economic crisis following the separation and the importance of creating political solutions instead of using technical approaches to work on the multitude of challenges affecting each of the two countries and the interrelations between them were also scrutinized. The participants intensely exchanged views and experiences on the difficulties and successes in taking responsibility rather than being dependent on foreign assistance. Discussions revealed strong potentials in both societies to overcome such problems; to initiate processes of reconciliation, and to consolidate peace. They shed light on the complex processes of nation-building and the creation of meaningful constitutions.

This book attempts to capture at least some of this multitude of insights and aspects that had shaped the conference. This publication would not have been possible without the tireless work of the language editor Heike Webb and the commitment of the authors in revising and updating their papers. The editor also received very helpful comments from Conrad Shetter and Elvan Isikozlu. Thank you all for this.

Elke Grawert, Editor, Bonn, 20 December 2013.

Executive summary

One nation becoming two—looking into an arduous process ridden with violence, and sketching out the struggles with the legacies of an already troubled history, are the motivations for this publication on the Republic of Sudan and the Republic of South Sudan. The governments and societies of the two countries are facing challenges of internal disunity and deepening social and economic cleavages. Armed fighting for inclusion in positions of power, for access to resources and economic development, and for recognition of the interests of marginalized groups have mounted and escalated in each country. In their attempts to stay in power, the two governments have adopted the same approach: increased repression of critics, military response to armed resistance groups, and perpetuating patronage-based authoritarian regimes. Interventions of the international community, more often than not, have played into the hands of the divisive politics of the two governments. Beyond their power struggles, the two countries have to cope with remaining interdependent as neighboring states, as well as being embedded in the region. The challenges facing these two countries are plenty.

The first part of this volume looks into the history of *divisive trends and attempts at forging unity*. Non-state armed groups and civilian oppositions have always played a crucial role for both trends, but government decisions to deal with political opposition through repression, military response, and fragmentation have tipped the balance towards division. Inclusive, participatory, and democratic processes are required not only in peace-building, but also in popular consultations and formulating constitutions. This will be difficult, because in Sudan, civil society is divided. On the one hand, there are segments that directly or indirectly back the project of the government towards deepening a particular form of Islamization while, on the other, there are oppositional ‘activists’ that criticize the restriction of civil rights and political freedoms. Whereas youth ‘activists’ outside the ruling party use creative social forms of expression and tend to avoid joining any political party, their counterparts closely cooperate with the ruling party. The widening gap between these civil society groups and political parties requires attention in terms of further research, international cooperation, and exchange.

In South Sudan, dynamics that connect traditional forms of cattle raiding with ethnic and political mobilization in the context of power struggles between political elites have triggered the *spread of dispersed violence*. Grievances about the slow progress in the development of rural areas, the easy availability of small arms and light weapons, and a decentralization process that reinforces ethnic identities and patronage relations have contributed to tensions and violent conflicts. To solve these conflicts, youth and other disappointed groups must be included in the reconstruction of South Sudan.

Access to resources is a vital issue in both countries. Contributors to this book report about discrimination against artisanal gold miners in the Nuba Mountains in Sudan, against the provision of social services to lower class groups in Khartoum shantytowns, and against safe access to land for subsistence production by newcomers to suburbs in South Sudan. Laws and legal acts clarifying access to and control over land and mineral resources are necessary, but insufficient, if practices circumvent adequate implementation. Transparent procedures towards securing the legal rights of disadvantaged social groups still have to be established and put into practice.

During the wars in Darfur and southern Sudan, ***international organizations and agencies*** were instrumentalized for politics of the Government of Sudan and non-state armed groups, often with divisive effects. This was possible, because these organizations had their own considerations informed by logistical and security requirements, as well as the perceived need to prove political neutrality. In Darfur, this went counter the principle of ‘do no harm’, and in South Sudan, this has contributed to delegitimize the government and the ruling party and eventually, to fuel local violent conflicts. International organizations and aid agencies have to, at least, rethink the impact of their decisions, consider that ‘technical approaches’ have meaningful effects on politics, and as far as possible, to clarify their own political aims. Moreover, international organizations need to coordinate their work and consider, with complementary efforts, sectoral and cross-sectoral approaches. This pertains to activities intending to improve security, in particular, ‘human security’. Social and economic integration of ex-combatants has important links to improving community security, building infrastructure and markets, and staffing the police in communities and counties. A coordinated and sequenced approach of

security sector reform that is embedded in a comprehensive development plan will have to be pursued, instead of continuing to tackle the complex facets of insecurity in post-war South Sudan through scattered and limited project approaches of a multitude of agencies.

Interdependence between Sudan and South Sudan will remain high. One important lesson from the process of negotiations leading to the Comprehensive Peace Agreement of 2005 was that relevant actors had been sidelined. This has resulted in renewed violence as well as the dissatisfaction of civilian oppositional groups and political parties, which has been rising sharply in both countries since the division. More specifically, women's activities in the negotiations were belittled and undervalued. Instead of perceiving women as needy and focusing on so-called deficiencies related to their gender roles, women's capabilities in the political, economic, and social fields should be highlighted, and their suggestions should be taken seriously. To strongly lobby for women's involvement in the current and future peace processes will unfortunately remain on the agenda after the division of Sudan.

Economic interdependence between Sudan and South Sudan will remain in the future. Sharing considerable parts of the Nile requires renegotiating the distribution of the use of the Nile waters for irrigation, hydropower, and other development projects in the two countries. The Nile Basin Initiative provides the framework for all the countries along the Nile to negotiate water management and exploitation of water resources. Trade and integration between the two economies will also not only be beneficial for the development of the two countries, but also for the larger region. Sudan and South Sudan both aspire for membership in the East African Community (EAC), which involves potential economic and political benefits, but also challenges and risks for the whole organization. South Sudan and Sudan should join when they are ready to meet the principles and status of the EAC. The process of EAC integration of South Sudan and possibly, Sudan at a later stage, will improve the status of regional security.

Introduction

On 9 July 2011, the Republic of Sudan and the Republic of South Sudan established themselves as two separate political units. Since the independence of Sudan in 1956, forty years of civil war between northern and southern Sudan had occurred. The government of Sudan and the Sudan People's Liberation Movement/ Army (SPLM/A) concluded a 'Comprehensive Peace Agreement' (CPA) in 2005, which stipulated a referendum at the end of a six-year interim period. In January 2011, the Southern Sudanese overwhelmingly voted for separation. Yet, as with any division, the historical legacy of the previous period as a united entity prevails with both countries as each part is seeking to seize the chance of new and unique endeavors as an independent and sovereign entity. At the same time, the two countries are neighbors with more than 2,000 km of a shared border and a range of common issues that keep them interdependent. Moreover, each country carries on with its own regional and international allies, supporters, opportunists, and opponents.

Nation-building is a process that involves high levels of violence whilst political actors seek to establish domination, set new social boundaries, and renegotiate exclusions and inclusions with the powerful social actors (Giddens 1985, 411; Wimmer 2006). The increase and dispersal of violence within large parts of the societies is, in fact, a common feature of both Sudans. In Sudan, there is the government, its vast array of security forces, paramilitary organizations, militias, and splinter groups of non-state armed actors that have been co-opted during lengthy peace negotiations. And then there are oppositional coalitions of political parties (National Consensus Forces) and of armed resistance forces (Sudan Revolutionary Front) as well as a common platform of both (New Dawn Charter). Recently, the government and the ruling National Congress Party (NCP) have shown tendencies of internal division over a violent clampdown on urban mass protests in September 2013. President Omar al-Bashir countered these tendencies through cabinet reshuffling.

In South Sudan, the dispersion of violence appears to continue without any tendencies of forming oppositional alliances. Splits of the ruling SPLM were looming large after independence, whereas the opposition outside the SPLM has remained insignificant. President Salva Kiir's reshuffle of his cabinet in the second half of 2013 to consolidate power disenfranchised a

significant number of leading political figures, deepened the split within the SPLM/A and triggered violent clashes and bloodshed along ethnic divisions in the end of the year 2013.

Both governments used to tackle the challenges of dispersed violence by a mixture of divide-and-rule policies, the co-option of civilian and armed opponents in leading government positions, and repression. More often than not, interventions of the international community have played into the hands of divisive politics which the two governments pursued in their attempts to perpetuate patronage-based authoritarian regimes as a framework for them to stay in power.

This Introduction presents a general historical, economic, political, and social background of the division of Sudan into two states, the first two and a half years of coexistence of Sudan and South Sudan, and the internal changes in the two countries. It focuses on the legacies from the earlier nation-building process as a united country and the escalation of dispersed violence in that process. A historical overview outlines the characteristics of the regimes that have been ruling Sudan since colonial times. One feature, common to both countries, is the centralistic attitude, prioritizing a core area around the capital—the whereabouts of certain elites—while large rural areas and huge sections of society remain marginalized. This Introduction intends to enable the reader to locate the papers collected in this volume more easily in the respective contextual paradigms and ends with an outline of the book structure.

Roots of the division of Sudan. Historical overview, part I

The division between Sudan and South Sudan, and a special treatment of the ‘Three Areas’ of Southern Kordofan, the Nuba Mountains, the Blue Nile, and Abyei—all sites of violent fighting during the civil war and again since 2011—goes back to colonialism. From 1898 to 1956, the territory of Sudan (except Darfur, which the British conquered in 1916) had been under the rule of an Anglo Egyptian Condominium, whereas South Sudan was part of British East Africa. In 1905, the colonial rulers included the Abyei area with its southern Sudanese Dinka Ngok chiefdoms in the northern Sudanese province of Kordofan.

The northern and southern parts of Sudan experienced very different approaches of colonial rule. The colonialists in northern Sudan did not

Map 1: Sudan and South Sudan: Capitals, states, and river Nile



Note: Compiled by Alexander Strunck, BICC; based on data of FAO 2012.

interfere in the religious orientation of the mainly Sunni Muslim society but, since the early 1920s, had rather focused on developing irrigated cotton production in the Gezira, located in the triangle between the White and Blue Nile. As a consequence, the other regions were neglected. Laborers, mainly from Kordofan, migrated seasonally to the cotton fields. In southern Sudan, on the contrary, the British colonial rulers did not invest any efforts in development while missionaries engaged in education and health provision, spreading the Christian religion. However, religious diversity was hardly the contributing factor to the dividing line in southern Sudanese society, which became the core of political conflict after independence but rather ideologies of identity that constructed a distinction between ‘Arab’ and ‘African’ origins. In fact, in Sudan there are nineteen ethnic groups and nearly 600 ethnic sub-groups with more than 100 different languages. During the centuries following Arab penetration into Sudan in the Middle Ages, ethnic grouping was amorphous. The

composition of the tribes always fluctuated and constantly formed new alliances; new members of other subgroups arrived, adopting different names, and changing habitat. Only the system of indirect rule, which the British adopted to control the tribes, caused a clear-cut delimitation between ethnic groups and transformed them into political units, which significantly contributed to shaping Sudanese politics after independence (Streck 1982; Tvedt 1994a, 10–11). This system selectively curtailed the powers of the local leaders, but left old-established hierarchies of local leaders and their responsibilities for jurisdiction, land allocation, and intra- and inter-ethnic dispute resolution intact (Mamdani 1996, 102–108).

In the early 1920s, the British separated southern Sudan, southern Kordofan/ the Nuba Mountains, southern Blue Nile, and Darfur by ‘Closed Districts Ordinances’ to enforce regime control over the societies in these regions. After long internal struggles, the southern Sudanese chiefs agreed with northern Sudanese nationalists to pursue a united Sudan. Subsequently, the colonial rulers abandoned the ‘Closed Districts’ policy in 1947 (Tosh 1981). The current disputes about the course of the border between Sudan and South Sudan go back to this period and to the border drawn between southern and northern Sudan under colonial rule, which was dissolved with the independence of Sudan as a united state in 1956.

Short-lived democracies take turns with long-lasting military regimes

Certain key actors immediately determined the political arena in Sudan. These were Muslim elites from the triangle between Khartoum and the Blue and White Nile who claimed to be of Arab origin. These elites initiated a nation-building process that was biased towards the interests of constituencies from the same background. They comprised merchants, tenants of the cotton fields in the Gezira, a tiny group of educated urban professionals, military officers, state officials, and politicians. Two powerful political groups with different sectarian orientations competed for political influence, the Mahdist¹ *ansar* (followers) and their political *Umma* (Islamic community) party, led by Sadig al-Mahdi, and the Khatmiya Brotherhood and their National (later Democratic) Unionist Party, which was oriented

¹ The *mahdi* denotes a prophesied redeemer in Islamic belief. An armed resistance force from Darfur in western Sudan, led by Mohamed Ahmed who claimed to be ‘the *mahdi*’, liberated Sudan from Turko-Egyptian rule in 1885 and established the first Islamic military regime in the Arab region (Abdelrahim 1978).

towards unity with Egypt and led by Ali al-Mirghani. These Muslim elites have remained important still today, forming a “riverain, Arab-Muslim power bloc” (El-Battahani 2006, 37).

Military factions of this same power bloc captured the state and ruled with changing alliances three times, for ever longer periods (1958–65, 1969–85, and since 1989). In between, elected democratic governments came to power, backed by strong movements of urban professionals and unions, which had struggled to establish checks and balances towards the Sudanese regimes. These civil society groups were the spearheads of the revolutions of October 1964 and April 1985, which paved the way for the *intermezzi* of democratic regimes. They also initiated a socialist-inspired revolution headed by a military faction under Jafaar al-Nimeiri in May 1969 (Niblock 1991, 35). These social forces were always the first to be arrested, tortured and killed under the military regimes which ousted the democratic governments.

During their short periods in power, the three civilian governments (1956–58, 1965–69, 1986–89) were neither able to create inclusive democratic structures and rule of law, nor did they manage to extend “stateness”—the degree to which a state reaches into society (Chazan 1994, 78–86) to the peripheries of the territory. They failed to establish coherent rule over the whole society and territory and thus, to achieve “integrated domination” (Migdal 1994: 9). Southern Sudan, Darfur and Southern Kordofan in the west, the far north, and eastern Sudan remained marginalized in terms of development and representation in the regimes. The population in these peripheries consisted of two major groups: (semi-)pastoralists and small-scale farmers who grew crops in rain fed agriculture. Within and between these two groups, there were stark differences in social structure and organization (Badal 1994, 108; Hasan 1973, 135).

The options of nation-building (with the inclusion of marginalized Sudanese groups in national institutions), or secession, had been on the agenda since independence of Sudan in 1956. Already in 1955 did a mutiny of southern Sudanese soldiers spark a series of armed and civilian oppositional movements, which culminated in the first civil war against the government of Sudan. The strongest armed movement was the ‘Anyanya’, founded by Colonel Joseph Lagu in 1963 with the aim to struggle for secession of southern Sudan. Its political wing was the Southern Sudan Liberation Movement (SSLM) (Badal 1994, 106–108). When the first

military government of General Abboud came to power, the war between the Sudanese army and the Anyanya intensified, and by 1969, the civil war had spread to all the three provinces of southern Sudan.

Regime of Nimeiri: Rise and fall of a new course in governing land use, administration, and peace politics

In 1969, the second Sudanese military regime seized power, with Jaafar al-Nimeiri as Prime Minister and Head of the 'Revolutionary Command Council'. In 1970, Nimeiri issued a decree with far-reaching consequences. The 'Unregistered Land Act' declared all unregistered land to be government land, disempowering the tribal chiefs who used to allocate the land according to customary laws, and opening the way for the state to seize land for large-scale agricultural projects. Absentee landlords from the Nile triangle obtained land titles and invested in mechanized agriculture for cash crops to supply towns and for export. This land policy pushed peasants to less fertile lands, narrowed the pastures for livestock of the nomads, and eroded the fertile areas in central, western, and eastern Sudan (Komey 2010, 115; Rünger 1987, 28–29).

After he was elected President in 1971, Nimeiri issued a second decree with serious consequences. The 'Local Government Act' established a modern administration, staffed by officers appointed by the central government. On the periphery of Sudan, the new administrators failed to gain acceptance. In the former kingdoms of Darfur, the king remained in office side by side with the new administration, but with reduced power. The double system blurred the distribution of functions in the local administration and created opportunities for playing off officials against each other (Grawert 1998, 34–35). The policy of depriving the indigenous leadership of rights and means of control created a power vacuum in the peripheries of Sudan. In Darfur, this contributed to the outbreak of the still unsolved violent conflict between armed resistance groups and the Sudan Armed Forces (SAF) in the mid-1980s (Grawert 2008, 601–607).

The most important achievement of Nimeiri was the Addis Ababa Agreement of 1972, by which the government of Sudan and Joseph Lagu, the leader of the Anyanya guerilla army and the SSLM, brought the first civil war to an end after Nimeiri had guaranteed regional autonomy to southern Sudan. This removed the major cause of the civil war, and for

eleven years, the southern Sudanese enjoyed a status of semi-autonomy and self-rule. The regional government largely ruled on the basis of revenues sent from Khartoum. Not having established a coherent taxation, quarrels between administrators at the provincial and local level over the share of the 'cake' coming from the central government were frequent, enhancing the formation of clientelist structures of revenue distribution (Tvedt 1994b, 79–80). This legacy strained the administration in Southern Sudan again after the Comprehensive Peace Agreement (CPA) of 2005 and has adverse consequences for the rule of today's independent South Sudan.

In 1981, Nimeiri issued a 'Regional and Local Government Act'. This became the basis for the government to split the Southern Region into three administrative provinces and re-establish central control in 1983. Arguably, an important reason for the policy reversal was the discovery of oil in Bentiu in the Greater Upper Nile region in southern Sudan (Benjamin 2004, 44–45; Abel Alier 1980, quoted in Sudan Update). In search of new allies to consolidate his power, Nimeiri also made concessions to the rising Islamist movement and imposed the Islamic *Shari'a* law nationwide in September 1983.

In the same year, southern Sudanese armed groups, partly stemming from the Anyanya movement, moved into Bentiu district claiming that they came to protect southern Sudan's oil field. This oil field was the only one in Sudan and licensed to Chevron at that time (Johnson 2011, 59–60). When Nimeiri gave the order for a southern Sudanese battalion to transfer to northern Sudan, the troops mutinied. Many defected to the Anyanya II movement, which had emerged as a successor of the separatist Anyanya I guerilla of Joseph Lagu (Sarkesian 1973). The blows against the political, cultural, religious and economic interests of southern Sudan caused the revival of civil war.

John Garang, who had been an army officer in the Military Research Unit in Omdurman and participated in the plans for the mutiny of 1983, brought the scattered guerilla groups together in a new military organization, the Sudan People's Liberation Army (SPLA), with a political wing, the Sudan People's Liberation Movement (SPLM). The SPLM Manifesto of 1983 addressed the failures of the Addis Ababa Agreement and its implementation and rejected the oil policy of the government, in particular Nimeiri's attempts to redraw the borders between northern and southern Sudan to 'move' the location of oil fields to northern Sudan.

Having dropped the original plan of building a refinery near Bentiu and deciding to build an oil pipeline of more than 1,000 km length to Port Sudan on the Red Sea in the north instead was another issue the SPLM sharply repudiated. Its Manifesto also condemned the neglect of southern Sudan with regard to development and claimed that the government had deliberately marginalized the south. Moreover, it accused the government not to have taken care of the livelihoods of most of the Anyanya I ex-combatants and failed to integrate them properly in the SAF (Johnson 2011, 61-64). The aim of John Garang was a 'New Sudan', where all marginalized regions would be integrated in an equitable development. Douglas Johnson, in radio broadcasts, put it as follows:

Garang cited the general deterioration of the Sudan, the fall in the production of essential foods, mounting unemployment, inflation and the devaluation of the currency, the deterioration of social services throughout the country, and oppression by the State Security Organization. He consistently represented the South's grievances as being simply a more intense form of the general problem of the Sudan, and he specifically repudiated the idea that the South could solve its own problems through separation from the rest of the Sudan (Johnson 2011, 64).

In the struggle towards Garang's vision of a 'New Sudan', the various southern Sudanese militant forces would have to be united in one secular, progressive, and fully inclusive liberation movement without ethnic divisions. However, in fact, there were still several local warlords of the Anyanya II, among them the Nuer leaders Gordon Kong Chuol and Paulino Matiep Nhial, mostly organized along ethnic lines and fighting for various particularistic interests in southern Sudan. Whereas Nimeiri secured the supply of weapons from the United States, the SPLA had access to Soviet arms which were smuggled into Sudan from Ethiopia, ruled by a military Marxist regime under Mengistu Haile Mariam (1974-1991). The subsequent civil war was devastating and entangled with increasingly violent attempts by the SAF and growing numbers of militias to Islamize and Arabize the southern Sudanese. The SAF were stationed in southern Sudanese garrison towns from where they fought not only against the SPLA, but also harassed, displaced, and killed civilians (Gore et al. 2004, 221-22).

The most recent revolution and the weakness of the most recent democratic regime in Sudan

Since the early 1980s, Sudan had suffered from a mounting economic crisis and had become highly dependent on foreign creditors including the International Monetary Fund (IMF). In 1982 and 1985, announcements of the cancellation of subsidies for basic foodstuffs and fuel triggered riots and demonstrations in Sudanese towns. In April 1985, a large-scale general strike and mass demonstrations finally prompted the army commander-in-chief, General Abdel Rahman Suwar al-Dahab, to dismiss Nimeiri and to install a Transitional Military Council, which functioned as overseer of a civilian government and of preparations for democratic elections. The transitional government did not consist of political party representatives, but mainly of the heads of the civilian organizations that had led the uprisings (Salih 1991, 47 48).

The democratic elections of 1986 brought a coalition of the two old parties (the Umma Party and the Democratic Unionist Party, which had already predominated in earlier democratic periods) to power, together with four small southern Sudanese parties. The head of the Umma Party, Sadig al-Mahdi, became Prime Minister. The election results documented the rise of the Muslim Brotherhood, which had increasingly entered the political field and in the run-up to the ballot, had gathered the scattered Islamist parties under the umbrella of the 'National Islamic Front' (NIF). The NIF won 29 percent of the votes and formed the largest opposition party. Quarrels between the ruling parties, changing coalitions, and periods without any functioning government indicated severe weaknesses of the democratic regime (Salih 1991, 49 53). The government neither developed a clear policy towards the oppositional Muslim Brotherhood, nor did it reach a peace agreement with the SPLA. Political actions of this most recent democratic government of Sudan were determined by the riverain Arab-Muslim elite, which kept control over the state and excluded the elites of southern Sudan from power. Towards the end of the 1980s, exclusive politics had become entrenched in the political institutions, so that they were not appropriate for non-violent conflict resolution and interest expression of heterogeneous social groups (Grawert 2008, 602 603).

The Bashir regime and the dispersal of violence: Historical overview, part II

In 1989, a military faction headed by Brigadier Omar al-Bashir staged a military coup, which was politically masterminded by the NIF. Whereas Bashir has remained in power as president from 1993 until the time of writing, considerable changes have occurred within his regime, similar to the long-lasting military regime under Nimeiri.

Military-Islamist rule, intensified civil war, split of the SPLM/A, and the role of aid agencies

The first period under the presidency of Bashir was an era of military-Islamist rule in alliance with the NIF, headed by Hassan al-Turabi. The officers loyal to the regime purged the professional officer corps and ruthlessly pursued oppositional protesters, made them disappear in ‘ghost houses’, tortured and executed many. In Darfur, the ongoing smoldering unrest was immediately suppressed. Bashir established the Popular Defense Force (PDF), an Islamist militia, to fight in a *jihad*² against all those who they believed did not fully abide by the *Shari’a* law. The PDF consists of students, aspirants for employment in the government, and many other civilians who are briefly trained and armed. During the 1990s and early 2000s, they were sent to the southern front to fight against the SPLA (Johnson 2011, 94). The regime also armed tribal militias for the *jihad* in southern Sudan, continuing a policy that—some say—previous regimes had already pursued since 1965 (Tvedt 1994a, 15), but that had certainly been pursued since the beginning of the second civil war in 1983 (Mohamed Salih and Harir 1994, 186). In these civil wars, the government exploited divisions in the armed resistance groups. In a systematic divide-and-rule approach, it co-opted leaders into senior government positions and was able to win over factions of the armed groups to the army (Grawert 2008, 603 604, 611).

² The original meaning of *jihad* is the encouragement of reaching a deeper spiritualism of the Islamic faith. In the context of the extension of Islamic faith and the spread of political Islam, *jihad* also denotes the fight against pagans and heretics (Kepel 2006).

During the 1990s, the war in southern Sudan intensified for two reasons: one, because it was instrumental for the Islamization and Arabization³ project of the government, and two, due to internal power struggles and a split of the SPLM/A. The combined armed forces of the government coerced southern Sudanese civilians to adopt Arab culture and Islam. Many southern Sudanese gave their children Muslim names to pretend that they had converted and to protect them from harassment by the so-called ‘Arabs’—the SAF, and pastoralist militias from the north. In this period, John Garang increasingly modeled the SPLA on the structure of the SAF, with a centralistic, hierarchical command structure and its own internal military intelligence. The civilian branch, the SPLM, was under the Political-Military High Command with members appointed by Garang. The guerrilla leaders treated internal power struggles and factionalism within the centralized command structure by removing “(d)issenters (...) while the causes of dissent were not, and the civil base of the Movement was neglected in favour of the military organization” (Johnson 2011, 91). The SPLA was supported by the Ethiopian military ruler Mengistu who allowed Garang to establish bases and training camps on Ethiopian territory. Under these conditions and by applying harsh measures against opponents, Garang managed to reach a high degree of cohesion within the SPLA. The SPLA commanders were highly autonomous, imposed their own administration and taxation, recruited fighters independently, and even carried out death sentences and summary executions of their troops without the required consent of the High Command (Johnson 2011, 91–93).

With the defeat of Mengistu by the Ethiopian People’s Revolutionary Democratic Front in 1991, the Ethiopian base of the SPLM/A was lost and southern Sudanese had to flee the country. This in turn, had humanitarian implications when thousands of young boys arrived in northern Kenya after having crossed the bush lands of southern Sudan. International aid agencies hosted these ‘lost boys’ in the Kakuma Refugee Camp near Lokichoggio, from where they had been sending relief aid into the war-affected regions in southern Sudan and the Nuba Mountains since 1989 through the ‘Operation Lifeline Sudan’ (Riehl 2001, 6–8). From that time onwards, the international agencies have played a significant role in the civil war.

³ ‘Arabization denotes the adoption of Arab culture and, in particular, Arabic as lingua franca and language of instruction in schools and institutions of higher learning (Lodiong 2010).

Garang shifted the SPLA power center to Juba and the Equatoria region (Sima 2010, 202-203). Commanders of the Greater Upper Nile region perceived this as a move to sideline them. Two leaders, Riak Machar (who became Vice President of South Sudan in 2011) and Lam Akol (who was the SPLM Foreign Minister under the Government of National Unity from 2005 to 2007) split from Garang's SPLM/A. Machar and a strong Nuer followership strove at a change of leadership of the SPLA. Both commanders demanded from Garang structural reforms towards more accountability and democratic procedures (Johnson 2011, 94-95).

The two leaders were able to strengthen their position against Garang, whom the 'international community'⁴ considered to be an ally of socialist Mengistu, when they came in direct contact with aid agencies, as well as US and UN representatives. These came to Nasir in the east of the Upper Nile region to assess the refugee situation there.. Forming the 'Nasir faction' of the SPLA, Machar and Akol claimed to fight for separation of South Sudan. Further leaders who joined the Nasir faction were Paulino Matiep Nhial from western Upper Nile (the current Unity State) and Gordon Kong Chuol, who had headed Anyanya II. Gordon Kong later led the reconciliation process with the SPLA, which brought him an appointment into the Political and Military High Command of the SPLA (Hutchinson 2001). Paulino Matiep and Gordon Kong were only integrated with their troops into the SPLA during the interim period after the CPA.

The government used its sudden advantage caused by the split of the SPLA to limit UN food supplies and airdrops and to manipulate food transports on the Nile so that a portion of the food was delivered to the government-held areas. Moreover, the government began to seek contact to the Nasir faction, a move towards actively widening the split in the liberation front. They reached an agreement and the government began to supply the Nasir faction with arms, thus supporting the aim of ousting Garang militarily. When Garang's SPLA faction strove to prevent government supplies from reaching Riak Machar's supporters, the Nasir faction mobilized anti-Dinka sentiments amongst the different Nuer groups. This was the beginning of an ethnicized internal power struggle, which caused high numbers of civilian

⁴ 'International Community' consists of external actors that join forces to address an issue which they perceive as a problem for their understanding of order. From case to case of intervention, the composition of the 'international community' hence varies in terms of participating countries, status groups such as representatives of governments or the military, members of civil society organizations, or senior staff of humanitarian and development agencies.

victims and displacements in the years to follow (Nyaba 1997; Johnson 2011, 95–97). In 1991, the Nasir faction and Anyanya II fighters together with armed Nuer civilians headed towards the Dinka districts around John Garang's home area near Bor in today's Jonglei State and carried out a terrible massacre of Dinka inhabitants in Kongor and Bor. They used weapons and ammunition from the government, which increasingly took control over the movements of the Nasir faction in its war against Garang's SPLA faction. Years of fierce fighting followed, during which Garang's strategy was to contain the attacks of the SAF in the south and at the same time, to secure the Dinka districts north of Bor and in western Upper Nile (Nyaba 1997). This ethnicization of the civil war during the 1990s created a difficult legacy for the semi-autonomous government of Southern Sudan after the CPA and the independent government of South Sudan in its attempt to unify the country and create a sentiment of national identity amongst its citizens.

In 1994 and 1995, the Garang faction of the SPLA regained strength and won international support, whereas Bashir supported the Nasir faction. In 1997, Bashir and the Nasir faction concluded the 'Khartoum Peace Agreement', thus fixing a divisive peace. Shortly after this, the two SPLM/A factions reunited. As Machar failed to integrate all his commanders in the SPLA after the CPA, this led to continuous fighting within southern Sudan during the following decade (Johnson 2011, 198–202).

Being a military formation, the SPLA failed to establish either civilian or military administrative structures or institutions in the areas under its control. Zonal commanders governed the SPLA-held areas, and commissioners were responsible at county level in a top-down command system. There was no state power in place, which could guarantee security or deliver services. Even maintaining security in the areas under SPLM/A control failed, since SPLA fighters forcibly recruited followers from the civilians and looted villages. International aid agencies took over the delivery of services and, related to this, established administrative bodies—originally a state task. The aid agencies were in charge of health institutions, food distribution centers, road construction, schools, education, and professional training. They brought the material resources and the required personnel, planned and coordinated operations, and administered the social service system at the local level (Grawert 2007, 393). This division of tasks became a legacy for the post-war period and continued even after the independence of South Sudan.

Regime consolidation with NCP domination

Throughout the civil war, the combined forces of the SAF, PDF, armed militias, and co-opted allied armed groups also served the purpose to displace people from land envisaged for economic exploitation (Wassara 2010, 86-89; Babiker 2006). War-related displacement enabled the government to resume oil production in areas of Greater Upper Nile State, which they had cleared from the inhabitants during the 1990s (Moro 2009). The SAF and pastoralist militias armed by the government also occupied land in Kordofan destined for investment in mechanized schemes. Based on the 'Encouragement of Investment Act' of 1990, absentee landlords used such land profitably for agricultural production supplying towns, and export (UNCTAD 2006, 1). The Nuba population was displaced and resettled in 'peace camps' to free the land for investment; this escalated into an ethnocide in the mid-1990s (Mohamed Salih 1995). In 1999, Sudan became an oil exporting country with Chinese and Malaysian state companies as main investors in the southern Sudanese oil fields (Grawert and Andrä 2013, 17-20; Johnson 2011, 79-97).

Parallel to the civil war, Bashir made considerable changes to the administration of Sudan. In the early 1990s, he started to enact the de-concentration of Sudan's administration through decrees, which finally divided the country into 26 states of which ten were in southern Sudan, ruled by appointed governors and local governments. This decentralization policy shifted economic burdens from the center to the responsibility of the states and enhanced the possibilities for central control and programs of the government. The Constitution of 1998, which was approved by a popular referendum whose fairness was doubtful, confirmed the federal system (Hamid 2002; Constitutionnet, no year). In the same year, Bashir made an even more pronounced move towards consolidating control by re-configuring his regime. He ousted and jailed Turabi and removed the NIF from government. Subsequently, Bashir re-introduced a formal multi-party system, although with little power of the national assembly. After his release from jail, Turabi founded the Popular Congress Party, which became one of the fiercest opposition parties to the NCP, criticizing it from the perspective of his organization, the Muslim Brotherhood. Most of the other political parties, which were admitted for elections in 2000, had a strong Islamic orientation. Due to the civil war, southerners were

hardly represented, and many opposition parties boycotted these elections, which were not considered to be free and fair. The politically engaged organizations of the professionals, academics, women, and trade unions continued to be suppressed (Mattes 2000; Mohamed Salih, 2001, 95–106).

With these moves, the NCP consolidated its power. It pursued an intensified Islamization program, accompanied by the so-called ‘Civilization Project’ of the NCP-led regime, which aimed to incorporate ‘Islamic behavior’ deeply in society. The particular approach of the NCP was a combination of ‘Islamization’ with a commercialization of state functions. Within the framework of ‘liberalization policies’, the government privatized a limited number of state companies and commercialized services. However, tenders for privatization followed opaque procedures, so that in fact, state officials and influential persons who belonged to the patronage networks of the ruling elite got preferential access to management and supervisory board positions. Fees for social services, and priority for wealthy clients before the target groups of the services became an entrenched pattern, even for the use of students’ computer rooms. The government extended its support base among the ‘newly rich’ while relying more than ever on a sophisticated mixture of state and parastatal security forces. To bind the forces to the regime, retired army and intelligence officers got preferential access to tenders for privatized state firms and to landed property. The financial basis for these changes was the oil rent, which significantly increased government revenues during the early 2000s. As a result, the military security establishment was reinforced as core power base of the regime, and from there, a comprehensive patronage network extended to many sectors of society. Bashir continuously co-opted key figures of oppositional civilian and armed groups into the expanding bureaucratic system (Ali and El-Battahani 2011, 285–86).

Beyond the co-option of influential individuals, the regime did not include population groups from western, southern, and eastern Sudan. It applied identity politics and politicized ethnicity in a divide-and-rule manner to consolidate regime power. “Oil-cursed” (Grawert and El-Battahani 2007), the government focused on the development of its power center and neglected even the constituencies of the former agriculture-based wealth center in the Nile triangle. With increasing Chinese Malaysian oil investment, the government was able to sustain the fight of the SAF against the SPLA in southern Sudan and to supply a host of parastatal armed

forces. Hence, dispersed violence in southern Sudan was confronted with the dispersed violence of the government-backed militias, the PDF, armed sections of the state security, and the SAF.

The Comprehensive Peace Agreement 2005 to 2011

Negotiations have accompanied the civil war nearly all the way since 1986. They intensified under the umbrella of the Inter-governmental Authority on Development (IGAD), which includes the governments of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, and Sudan, and which also involved the IGAD partner forum (government representatives of the United States, several European countries, and the United Nations). In 2001, the US administration put pressure on the process after the 9/11 terrorist attacks in the United States and in the framework of its subsequent 'war on terror'. The negotiations ended with the signing of the Comprehensive Peace Agreement (CPA) by Vice President of Sudan Ali Osman Mohamed Taha and the leader of the SPLM/A John Garang in Nairobi on 9 January 2005.

The CPA was a compilation of protocols and agreements between the government of Sudan and the SPLM/A, which included the Machakos Protocol of 2002, the Agreement on Security Arrangements of 2003, and the Naivasha Agreements of 2004. The latter contained an Agreement on Wealth Sharing and the Protocol on Power Sharing as well as a Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile states and in the Abyei Area⁵ (Government of Sudan/ SPLM/A 2005). The CPA fixed an interim period of six and a half years and a road map for the implementation of all the detailed agreements, monitored by the United Nations Mission in Sudan (UNMIS) according to Resolution 1590 of the UN Security Council (UNSC) as successor to the United Nations Advanced Mission in Sudan (UNAMIS) of 2004 (UNSC 2005; UNMIS 2011). Among other things, the CPA stipulated that a referendum about the location of Abyei in northern or southern Sudan and popular consultations in Southern Kordofan and Blue Nile states about the aspirations of the population, which had partly joined the SPLM/A during the civil war, were to be held towards the end of the interim period in 2011. The CPA

⁵ While the status of Abyei has never been clarified, the right for the population to decide about joining Kordofan in northern Sudan or Bahr al-Ghazal in southern Sudan had already been enshrined in the Addis Ababa Agreement of 1972.

also contained the right to hold a referendum about self-determination for the southern Sudanese and the appeal for the coalition Government of National Unity (GoNU) consisting of 52 percent NCP, 28 percent SPLM representatives, and 20 percent from other parties, “to make unity attractive” (Government of Sudan and SPLM/A 2005, Preamble).

The war had demanded about two million lives and left behind high numbers of war-disabled persons, broken-up families, eroded patterns of cultural belonging and social cohesion, losses of land, livestock, and assets. Several hundred thousand southern Sudanese had spent the decades of war in Khartoum, elsewhere in Sudan, in the neighboring countries, or elsewhere abroad. Southern Sudan was in miserable shape concerning infrastructure, education, health care facilities, water supply, social cohesion, and government capacity. Two multi-donor trust funds—one for Sudan as a whole, and one solely for the reconstruction of Southern Sudan via its new regional government of Southern Sudan—added resources to the share of oil revenues allotted to Southern Sudan according to the CPA. This share amounted to 50 percent of the oil revenues stemming from the Southern Sudanese oil fields, after deduction of two percent of the revenues for each oil-producing state (Southern Kordofan, Unity, and Upper Nile) (Government of Sudan and SPLM/A 2005, Chapter III).

Changed priorities during the interim period, the Darfur conflict, and the drift towards separation

Tragically, John Garang died in a helicopter accident shortly after his appointment as First Vice-President of Sudan and President of the region of Southern Sudan in July 2005. Salva Kiir became his successor, and this turned the ambitions of the SPLM/A away from the vision of building the ‘New Sudan’. Kiir focused on the internal pacification of the warring groups in Southern Sudan. Within the NCP, the hardliners got the upper hand over the faction around the CPA signatory Taha. Subsequently, the two signatory parties delayed the processes set up in the CPA road map. Their priorities shifted towards power struggles in the centers of Khartoum and Juba at the expense of broad rural development initiatives and a visible peace dividend for the population in the war-affected regions of Southern Sudan, Southern Kordofan/ the Nuba Mountains, southern Blue Nile State, and Abyei (Grawert 2010, 6 10). Although international humanitarian and aid

agencies proliferated in Southern Sudan, visible outcomes were small and unevenly distributed in the region. Development activities focused on Juba and some parts of Equatoria, whereas the least efforts took place in Jonglei State, where violent conflicts broke out after a brutal, but unsuccessful attempt by the SPLA to disarm militias there in 2007 (Young 2007, 3-7).

In western Sudan, a fierce violent conflict between the SAF and Darfurian resistance groups surfaced in 2003, drove hundreds of thousands of civilians into camps and across the Chadian border, and could not be solved in the decade that followed. Besides the continued marginalization of Darfur in terms of development and high-level political representation, the background for this was the CPA process itself. The CPA was a bilateral agreement between the government of Sudan and the SPLM/A and neither included movements and groups suffering from the same marginalization as those in Southern Sudan, nor were the opposition and Sudanese civil society organizations admitted to participate in the core negotiations. Moreover, the international participants in the negotiations provided much input, which questioned ownership of the agreement. Last but not least, it was apparent that only those groups, which had taken up arms were considered and integrated in power- and wealth-sharing (Grawert 2008, 610; Woodward 2010, 235-36).

The Darfur Peace Agreement of 2006 followed the same pattern. One leader of the Sudan Liberation Movement/Army (SLM/A), Minni Minnawi, signed it with the government of Sudan, which immediately triggered a split of the SLM/A. A new faction under Abdel Wahid Mohamed an-Nur refused to sign. Lengthy peace negotiations have followed, since 2009, in the 'Doha Peace Process', which included civil society organizations and a few of the proliferating Darfurian armed groups, whereas others declined to participate and continued fighting (Woodward 2010, 239). Again, only some groups signed the Doha Document for Peace in Darfur with the government of Sudan in 2011 (UNAMID 2011b).

The Darfur conflict was instrumentalized for foreign policy interests of the United States in the 'war on terror' and used by the prosecutor of the International Criminal Court (ICC) to issue a verdict against Omar al-Bashir for committing war crimes. These turbulences contributed to strengthening the leadership position of the president who could rally his people against what he propagated as attacks against Sudan's sovereignty. Only at that time did the GoNU develop an interest in the elections, which the CPA had envisaged to take place already in 2009. The ICC verdict

provided a welcome basis for the election campaign, which ended with a victory of Bashir as President and the NCP as ruling party, whereas the SPLM won the overwhelming majority in Southern Sudan. The presidential candidate of the SPLM, Yasir Arman, however, withdrew a few days before the elections, which took place in April 2010, only nine months before the referendum about unity or separation (Dagne 2010, 1).

Many important issues of the CPA were delayed. They became a legacy for the two new states, after the Southern Sudanese had voted with an overwhelming majority of nearly 99 percent for the separation of Southern Sudan in January 2011. Upon request of the GoNU and the government of Southern Sudan in June 2010, these issues were taken up for further negotiation in the framework of the African Union High Implementation Panel (AUHIP) and included the following:

- *Abyei*: A decision about which population groups were eligible to hold a referendum about the question whether Abyei should be part of Sudan or South Sudan.
- *Boundary demarcation*: Solutions for several disputed areas of the common boundary so that the demarcation could be finalized incl. border security regulations; and regulations for pastoralists seasonally migrating across the boundary with their livestock.
- *Southern Kordofan/ the Nuba Mountains and Blue Nile*: The solution of the question of how popular consultations in Southern Kordofan and southern Blue Nile states should be held and results be implemented.
- *Oil*: Regulations about using the oil pipeline running through Sudan and the harbor of Port Sudan on the Red Sea for South Sudanese oil exports; compensation payments by South Sudan to Sudan for losing 75 percent of its oil revenues.
- *Dividing assets, liabilities, and debts*: Agreement about the division of assets and liabilities and the national debt between the two states.
- *Economic relations*: Agreement about trade relations; management of water resources including the Nile waters.
- *Citizenship*: Regulations about the status of Sudanese living in South Sudan and South Sudanese living in Sudan (AU 2011).

Shortly before the referendum for separation came into force, violent conflict broke out between the SPLA-North in the states of Southern Kordofan/ Nuba Mountains and Blue Nile, and the Sudanese army. The reason for the conflict was the failure to conduct popular consultations

about governance in the two states, as stipulated by the CPA (SAS 2012a). The SPLM/A had partly controlled these two states during the civil war and had remained there with a significant number of supporters throughout the interim period after the CPA. Tensions between the SPLM and the NCP had repeatedly escalated to violent clashes. The violent conflict in Darfur continued throughout the interim period, although a combined mission of the African Union and the United Nations was deployed there with a robust mandate according to Chapter VII in 2008 (UNAMID 2011a).

Rising tensions between Sudan and South Sudan after the division

After the secession of South Sudan, the Sudan retained 73 percent of its former territory, about 76 percent of its former population, about 30 percent of its known oil resources, and about 70 percent of its former share in the Nile basin. The government of Sudan revised its policies towards enhanced development of economic sectors other than oil production, which led in particular to the revival of gold mines and mechanized agricultural schemes. Gold and livestock became the main export products of Sudan instead of oil, whereas South Sudan turned into “the most oil-dependent country in the world” (World Bank 2013). This lasted only for a short period, because the government of the Republic of South Sudan stopped oil production in January 2012 due to disagreements with the government of Sudan. The shutdown was an attempt to force the government of Sudan to concessions with regard to the user fees for the pipeline. The consequence was high inflation and a shrinking economy in Sudan and South Sudan, and both countries plunged into a severe economic crisis (see data in Table 1).

Politically, the government of Sudan campaigned more strongly than ever for full Islamization of the society and the deepening of the ‘Civilization Project’, using the constitutional process to this end. In September 2011, Bashir banned the SPLM-North and 16 other ‘southern’ political parties (BBC News Africa 2011). In response, several oppositional parties, among them the National Umma Party headed by the daughter of Sadig al-Mahdi, the Communist Party, and Turabi’s Popular Congress Party, formed the ‘National Consensus Forces’ as an umbrella organization with the aim to oust the current regime (IRIN News 2012b).

Table 1: Sudan and South Sudan: Data

Data / Country	Sudan	South Sudan
Territory min. (1)	1,864,049 sq km	635,150 sq km
Territory max. (2)	2,013,640 sq km	644,975 sq km
Contested areas of Abyei (2) and Hofrat an-Nahas / Kafia Kingi (3)	10,298 sq km 12,500 sq km	10,298 sq km 12,500 sq km
Population (2008) (4)	26 million	8.3 million
Estimated oil resources (5)	1.5 bn barrels	3.5 bn barrels
GDP per capita (2012) (2011) (6)	1,580 US-\$ 1,539 US-\$	862 US-\$ 1,847 US-\$
Real (non-oil) GDP growth 2012 (7, 8, 8a)	-3.3 percent	-6.4 percent (incl. oil: -47.6 percent)
Fiscal balance, percentage of GDP (7b, 8b)	-3.8 percent	-22.7 percent
External debt as percentage of GDP, 2012 (7c, 8c)	71.4 percent	3.5 percent
Consumer Price Inflation 2012 (7d, 8d)	35.5 percent	45.1 percent

Sources: (1) NBI 2012, 13; (2) FAO 2012; Thomas 2010, 6; (4) SCBS 2008; (5) EIA 2013; (6) World Bank 2013a; (7) IMF 2013, Table 1; (7b) *ibid.*, Table 12; (7c) *ibid.*, Table 24; (7d) *ibid.*, Table 7; (8) IMF 2013a, 82; (8a) *ibid.*, 81; (8b) *ibid.*, 89; (8c) *ibid.*, 91; (8d) *ibid.*, 8.

The SPLA-North did not leave its bases in the Nuba Mountains and southern Blue Nile State, but increased its armed struggle against the government of Sudan and joined forces with the three largest Darfurian armed resistance groups in the Sudan Revolutionary Front (SRF) aiming to topple the regime (SAS 2012b). The government of Sudan used this conflict as political lever against the government of South Sudan in the dispute

about the pipeline fees. It demanded the withdrawal of the SPLA from the common boundary so as to create a buffer zone between the two states and to prevent the SPLA from supporting the SPLA-North in the Nuba Mountains and southern Blue Nile State. Tensions rose along the common boundary, with attacks of the SAF near South Sudan's important oil base in Unity State. In spite of the presence of the United Nations Interim Security Forces for Abyei (UNISFA), a UNSC-mandated mission for surveillance of the Abyei area, armed clashes and high tensions repeatedly occurred in this area (UNISFA 2012). In April 2012, SPLA troops captured the Sudanese oil base of Heglig in Southern Kordofan near Abyei. The SAF re-captured Heglig in the same month, using warplanes and ground troops against the SPLA (IRIN News 2012a). In March 2013, the two governments agreed on pipeline fees to be paid to the government of Sudan, and South Sudan resumed oil exports via the Sudanese pipelines leading to Port Sudan in April 2013 (AUHIP 2013).

The dispute about Abyei also escalated, because the government of Sudan repeatedly postponed the referendum about its location. In October 2013, the settled people of Abyei, the Dinka Ngok, conducted an unofficial referendum with the result that the majority wished to join South Sudan. The other large population group, the pastoralist Misseriya, did not participate. Neither the government of Sudan nor the government of South Sudan recognized the referendum result officially and continued negotiations (Gridneff 2013). This decision raised tensions within the SPLM in South Sudan, which has struggled severely with internal factionalism since mid-2013 (SAS 2013).

In Sudan, the political and economic crisis escalated to mass protests, waves of arrests and a coup attempt in 2012. In January 2013, a dialogue between the armed non-state groups and the civilian opposition led to the formulation of a common 'New Dawn Charter' aiming to remove the regime of Bashir (JEM 2013). The largest urban protest movement so far occurred in September 2013, when thousands demonstrated against soaring food and fuel prices due to subsidy cuts in several cities of Sudan. Reshuffles in the leadership of the military and intelligence followed, indicating uncertainty about regime loyalty and a struggle over succession (Abu Goukh 2013). Whereas immediate repression by riot police was the urban feature of the regime response to the uprisings; heavy aerial attacks on the non-state armed groups were the rural pattern of the government's

reaction. In Blue Nile State, the government managed to split the resistance movement between those willing to join the SRF and those who prefer a local solution of the conflict (ICG 2013a, 42-46). In the Nuba Mountains, allegedly the SPLA-North gained a larger territory than the SPLA had had during the civil war (ICG 2013, 20-26). The renewed civil war has cost thousands of fatalities on the rural battlefields, displaced 2.3 million inhabitants and turned more than 235,000 people into refugees (UNHCR 2013). The government of Sudan relies more than ever on its paramilitary forces and intelligence to stay in power.

In South Sudan, the rule of the SPLM became increasingly repressive, too, with arrests of opponents and curbed press freedom. Violent conflicts increased again, in particular in the Jonglei State, parts of the Upper Nile State, and in the Bahr al-Ghazal State. Whereas the UNSC-mandated United Nations Mission in the Republic of South Sudan (UNMISS) managed to protect thousands of civilians from becoming victims of violent clashes in 2012, still several hundred were killed in armed confrontations between different ethnic groups. A mixture between resource conflicts, escalations during cattle raids, political power struggles, and formations of new non-state armed groups frequently erupted in extensive violence (UNMISS 2012). Salva Kiir responded to mounting criticism and factionalism within the SPLM/A by replacing most of his cabinet members. A senior member of the SPLM and Minister of Higher Education, Peter Adwok Nyaba, warned, “(i)t is now apparent that the SPLM must be saved from itself or will plunge the country into the abyss (...). What was not resolved in 1991 and 2004 respectively has sprouted out back in 2013 with devastating effect” (Sudan Tribune, 7 December 2013).

These crises, connected with the political tensions between Sudan and South Sudan after separation, have overshadowed the process of creating the structures of two viable states. Each of the two countries have faced scattered internal violent conflicts, and each government has been preoccupied coping with non-state armed actors while struggling to maintain legitimacy in their societies. The dispersed violence in each of the two countries is multi-faceted and related to political and economic power struggles, resource conflicts, mobilization along different identity constructions, and severe grievances in parts of the two societies. The government in Khartoum continued to deal with these challenges by a stringent divide-and-rule policy through co-option of opposed leaders

and negotiations with splinter groups. At the same time, it pursues its ideological national project for an NCP-shaped Islamic society, built on a patronage-based system of inclusion and exclusion and repression of critics. The government in Juba is increasingly imitating these strategies of staying in power, except for the ideological component, which is rather narrow and consists largely of propagating a founding myth of the armed struggle with heroization of John Garang.

In this context, the two governments indulge in attempts of building two nations. This does not only involve government attempts to forge heterogeneous groups together in a common national project and ideology. It is also an issue within the two societies, which shapes the interaction between different groups, involves different layers of negotiating interests and claims, and creates new forms of inclusion and exclusion. Activists and catalysts of change, non-state armed groups and civilian organizations, entrepreneurs and discontented unemployed youth, returnees, the marginalized, and newly rich groups seek their roles in both countries and in becoming part of the process of forging two nations.

Structure of the book

The papers collected in this book allude to many of the historical events and processes outlined above. The contributions are like spotlights illuminating facets of the complex consequences of the division of Sudan into two states. Many of them provide insights into a particular social setting focusing on specific actors and their interrelations, and some consider the links to the wider social and political context. As a whole, this collection provides a concrete account of the challenges facing development and conflict resolution, of a range of actors and their potentials and limitations, and of the risks and limitations of foreign assistance in Sudan and South Sudan after the division.

The first section revises the approaches to conflict resolution and looks into the role of civil society in Sudan and drivers of violence in South Sudan in particular.

Yasir Awad A. Eltahir reviews the main conflicts in Sudan and demonstrates that they have been complex, intertwined, have complemented each other, and corresponded to the politics from Khartoum. Peace processes have hardly addressed this complexity of conflicts adequately,

but piecemeal approaches to conflict resolution have prevailed. Attempts to resolve the conflicts were fragmented geographically and did not consider the interrelatedness of the conflicts. Exclusive involvement of the elites led to an overvaluation of particularistic concerns of the signatories of ceasefire and peace agreements.

Civil society in Sudan might be a catalyst for such processes. An anthropological research by Sondra Hale and Gada Kadoda reveals that civil society organizations act politically but refrain from involvement in the political party system—thus apply ‘activist-based approaches’. Such approaches signal a new social movement and political vision bringing actors—mostly women and youth—together to take over responsibilities that the government has failed to assume. However, there is the risk that this ‘activism’ of civil society participants sustains a state that does not care for its citizens.

One of the features of the current regime in Sudan is the incorporation of its Islamic ‘civilization project’ in society through a party-affiliated youth movement. Salma Mohamed Abdalla’s extended field research reveals that this segment of civil society works towards shouldering not only responsibilities in the field of education, but also in the field of providing security, while mobilizing political support for the ruling party. The youth center studied established practices of self-organization and building structures and routines related to Islamic discourse, which is pertinent for promoting norms, stimulating values and disseminating a spirit of solidarity. Connecting villagers to the wider world by introducing a modern type of Islamic behavior is a strong trend reaching far beyond Sudan into the global Muslim community.

Christopher Zambakari analyzes the growth in incidents of violence, which mainly affect the northern and central states of *South Sudan*. They are connected to cattle raids, contested access to land, participation in governance, and politics of exclusion of certain collectivities of society. Effective disarmament, demobilization, and reintegration (DDR) of former combatants, militias, and armed youth in the economy and society have failed. Together with an unhindered proliferation of small arms and light weapons, this has exacerbated already volatile situations. Lack of basic social services, low achievements in general economic development, and the inability of the government to provide security and enforce laws in a still militarized society have triggered the formation of violent groups.

Power struggles at the top and resource struggles at the grassroots, contested rights of belonging, and politicization of identities have moved visions of democratizing peace building processes far away from short-term realization in South Sudan.

The second section of the book focuses on social practices and reveals forms of inclusion and exclusion related to the access to resources in Sudan and South Sudan.

Contest over resources is a common feature in Sudan and South Sudan. This does not only apply to land and cattle, but also to mining. Enrico Ille and Sandra Calkins point out how in *Sudan*, the mining laws benefit large-scale mining companies and discriminate against small-scale artisanal miners. A gaping difference between codified legal understandings and people's practices challenges the existing legal acts, the juridical apparatus, and the power relations they seek to establish and maintain. The concession agreements deprive rural populations of their ancestral land, indicating that the state has failed to act as an arbiter between global capital flows and national territories. A rights-based approach to secure entitlements to natural resources, non-capitalist conceptions of space and matter, and a commitment to social justice will be required to establish appropriate laws that provide communities with the benefits from wealth on 'their' land.

The concept of rights-based entitlements also pertains to service provision. Mohamed A.G. Bakhit thoroughly studied the communities living in a shantytown of Khartoum. His research brings to light that inhabitants of the shantytown are forced to invest privately and individually in infrastructure and education to fill the gaps left by the state and after NGOs and international agencies have been driven out. Such conditions deepen the social differences between the old-established urban inhabitants originating from rural areas, youth grown up in the shantytown, and the Arabized middle class, which have highly different needs. The middle class, which largely has incorporated the habitual requirements of the governmental Islamic 'civilization project', engages in local committees as decision-makers. This leads to priorities which do not match the demands of the majority. A demand-led approach to service provision will be needed to enhance social justice.

The study of Timm Sureau in Torit *South Sudan* shows in which way access to resources is made a matter of exclusion and inclusion. Returnees from exile and newcomers are facing particular difficulties when

integrating with the population that have stayed in their home areas during the war. In the context of rapid urbanization, they receive plots of land for subsistence, however, not on safe grounds as soon as more powerful and wealthy actors—and these may even be international organizations—claim the land. Opaque procedures and a host of old and new institutions in charge of land matters blur the implementation of the new Land Act, which stipulates ‘fair and equitable land use’.

The third section of the book provides critical analyses of the role of international agencies in the conflicts and local peace processes in Sudan and South Sudan.

Humanitarian assistance has played a highly ambiguous role in Sudan and South Sudan. Elis Schmeer provides evidence on Darfur in western *Sudan*, where aid had become a plaything of donor diplomatic and political interests and of the GoS’ political and military interests. When the violent conflict broke out in 2003, aid was held back or supplied according to the economic and institutional interests of the relief organizations. When humanitarian assistance arrived belatedly, it was co-opted for military purposes of the government of Sudan and the resistance groups, for regaining popular support by the weakened government, and for the economic interests of non-state armed groups. Tactical considerations inhibited humanitarian organizations from covering all the war-affected areas. Instead, they focused relief work on camps for displaced people, following their own interests in technical and logistical considerations. This in turn served the interests of the government in depopulating rebel areas and in freeing up land from ‘Africans’ to reward ‘Arab’ militias for their participation in the counter-insurgency. For the aid agencies, security and peace-building motivations took the upper hand in identifying the target groups over a needs-based approach. Politicization of assistance shrank the humanitarian space as it thwarted humanitarian neutrality.

Development assistance in a post-war society will run the risk of being politicized, if development agencies act in a way that local inhabitants perceive as being partisan. Elisabeth Hartwig and Tinega G. Ong’ondi report on the conditions in South Sudan, where an NGO cooperated with a local government without making sure that complementary work was conducted in the neighboring counties. In the militarized local society, perceived biased assistance fueled armed attacks on NGO compounds and was politicized for the power struggles between local elites over

constituency boundaries. The study also shows that the ‘old’ conflicts between ethnic groups and within sub-groups were triggered by politics of decentralization. Women have a crucial role in bringing local groups together to promote non-violent conflict resolution and mediation, which development agencies should build on.

The high expectations of the South Sudanese for a peace dividend included immediate changes in education, health, and infrastructure in their towns and villages after the conclusion of the Comprehensive Peace Agreement (CPA) in 2005. Sarah Lykes Washburne’s research in rural counties in *South Sudan* reveals that international aid agencies provided development and social services in the more remote areas, together with local NGOs funded through international grants as the regional government of Southern Sudan was not able to deliver these services, in particular at the local level, where capacity-building took time. The risk that the activities of the international agencies sidelined the SPLM from taking these responsibilities was high in the post-war setting, which drove the government to focus its efforts and expenditures on the security sector. This legacy to the government of the Republic of South Sudan affects its legitimacy and, in turn its acceptance – particularly outside of the major towns.

A particular field of international assistance in *South Sudan* is the security sector, which is crucial to solving the problem of dispersed violence. Marius Kahl demonstrates that instead of a comprehensive approach, measures have been divided between police training, economic and social reintegration of ex-combatants, community security, and security sector reform (SSR). To enhance human security, approaches to SSR, community security and small arms control (CSSAC) and disarmament, demobilization and reintegration (DDR) must be tackled as interdependent issues. If they remain disconnected, they run the risk of negatively affecting one another. Coherence between these programs requires a move away from the currently pursued project approach and towards a strategic approach of promoting security

The last section of the book highlights some aspects where Sudan and South Sudan remain interdependent after the division and need to find ways of future cooperation, after revising shortcomings of the CPA.

Margret Verwijk examines the role of women in the process leading to the CPA, which was characterized by exclusive negotiations between the government of the Sudan and the SPLM/A. This process sidelined

oppositional parties, groups representing political interests from other regions of the Sudan, and civil society organizations. These omissions contributed to the spread of dispersed violence after the CPA. Women's organizations had tried to participate in the peace process from the outset, but this was hardly documented, and women's agencies and knowledge were largely ignored and undervalued by diplomats, policymakers, and practitioners. However, the participation of women matters most in times of transition, when social structures and relations are in flux. Whereas chances for social change appeared small to outsiders, women perceived this differently during the CPA process. After the division of Sudan, women's involvement in current and future negotiations and peace processes will have to be strongly encouraged, as unfortunately, such processes will continue to remain on the agenda.

Sudan and South Sudan remain connected and need to continue negotiating conflictive issues as neighbors based on a kind of post-CPA platform, as it is currently happening in the framework of the AUHIP. Samson S. Wassara draws the reader's attention to the Nile, of which the two countries share considerable parts, and which is a crucial source for development. South Sudan became a full member of the Nile Basin Initiative in July 2012. This political development triggered competition and realignments in the fragile hydro-politics in the Nile Basin. South Sudan will need flexibility in its conduct of water diplomacy to avoid being at the center of controversies between lower and upper riparian states in the Nile basin. The Nile Basin Initiative provides opportunities to mobilize resources for the development of water resources and for exploiting them to the common benefit at national and regional levels. South Sudan's position in the Nile basin can stabilize cooperative processes, if the country formulates rational policies for the exploitation of its water resources.

The requirement of cooperation also extends to many other economic and development aspects, and beyond Sudan and South Sudan. Dirk Hansohm advocates that both countries face the need to diversify their economies beyond oil, and their international partnerships. Mutual distrust between them sets narrow limits for the required cooperation, at least in the short term. South Sudan has already concluded economic cooperation contracts in the East African region and is actively pursuing membership of the East African Community (EAC). Sudan also has applied for membership. The promised benefits of EAC are likely to multiply in the

process of deepening trade relations. The process of EAC integration of South Sudan and possibly Sudan at a later stage will improve the status of regional security.

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Sudan after South Sudan's independence: Breaking up or holding together

Yasir Awad A. Eltahir

In the 1950s, when the overwhelming voices of the nationalist movement clamored for independence of Sudan from Anglo–Egyptian rule, some less vocal voices—most of them from southern Sudan—claimed that another independence (of southern Sudan from the rest of Sudan) was still needed. On 9 July 2011, at midnight local time, the dream of the bearers of these voices came true and South Sudan became an independent state, following a referendum in which more than ninety percent of the voters opted for independence from the rest of Sudan. Some voices are now saying that still another independence—that of Darfur, South Kordofan, and Blue Nile—is needed. Should this continue, Sudan will be at risk of breaking up into even more parts.

With the still unresolved conflict in Darfur, and the recurrence of war in South Kordofan and Blue Nile states, the ring of armed conflicts now stretches along the western and southern to the eastern edges and peripheries of the country. Given governance issues like the absence of democracy, uneven development, and the marginalization of many groups from the center of wealth and power, this paper argues that the current violent conflicts in Sudan are all part of only one web of conflict, circled around the center of power in Khartoum rather than unrelated regional conflicts. It also argues that the continuation of this webbed cycle of conflict is due to the domination of what we will call “Break-up Strategy” (BUS), and the fading out of a “Holding Together Strategy” (HTS). The BUS culminated in the Comprehensive Peace Agreement (CPA), signed between the government of Sudan and the Sudan People’s Liberation Movement/Army (SPLM/A) in January 2005. The CPA was a piecemeal and elite-pact approach of conflict resolution—with neither genuine representation nor inclusiveness.

The HTS is the negation of the BUS. It was advocated in the Egyptian–Libyan initiative for peace in Sudan, in the idea of an all-parties constitutional conference, and in the SPLM/A leader John Garang’s vision

of a 'New Sudan', as will be shown below. This strategy's conflict resolution is characterized by three related features. First, it is holistic and national in the sense that it looks at Sudan's conflicts as one single web of conflict caused by lack of democratic governance and equal development. Second, it strives for comprehensive, inclusive, participatory, and consultative conflict transformation. Third, it addresses the root causes of the conflicts.

It is critically important to insist that the BUS is structurally entrenched in Sudanese politics and not a matter of national, regional, or international conspiracy. If the HTS is not activated, the BUS will continue and lead to the fragmentation of the country or its gradual dissolution. This paper aims to show entry points for a HTS. For this purpose, it provides a historical analysis in four steps. First, it presents a conflict analysis showing that the conflicts in Sudan are in fact one complex web of conflict. Second, it documents how the BUS dominates the conflict resolution process. In a third step, it examines the BUS in the process of Sudan's state formation, in the socio-economic formation related to it, and in the management of the socio-cultural diversity of the country. Finally, the paper proposes a process of "democratization of peace-building" as a step towards bringing back the HTS.

Sudan's complex web of conflicts

Conflicts in Sudan are complex, interrelated, intertwined, complement each other, and correspond to the politics from Khartoum. Hence, they form a web of conflict rather than constituting different unrelated conflicts. The complexity of conflict in Sudan has been overlooked by national, regional, and international researchers and peace-builders. This has led to piece by piece, part by part, pact by pact and piecemeal approaches of 'conflict resolution' in the search for peace in Sudan, and the fading out of holistic, comprehensive, participatory and consultative approaches of 'conflict transformation'.

For a clear understanding of conflicts in Sudan, three types are distinguished here—also taking into account their inextricable linkages: Communal conflicts, center-periphery conflicts and Cross-border conflicts. Communal conflicts are conflicts between community-based groups (tribal or ethnic groups) over natural resources (water, land, or pasture) or local politics mainly in rural areas. Center-periphery conflicts

are conflicts between armed groups in regions or peripheries and the central government in Khartoum over political power and national wealth, triggered by cultural and ethnic marginalization. Cross-border conflicts are mainly those conflicts or indeed war between Sudan and South Sudan over borders with direct involvement by the military or through indirect proxy war involving militias. Causes of these conflicts are many and interlinked, and regionally related to “the three, ever active, protracted African conflict systems: The Greater Lakes conflict system, the Horn of Africa conflict system and the west of Sudan conflict system” (Ateya 2011, 17). They are also linked with the international level. They are complex in terms of speed of interaction, multiplication of linkages, cross-level drivers, and feedback loops operating over a range of spatial and temporal scales.

For an articulated analysis, the conflicts in Southern Kordofan, Blue Nile, and Darfur will be presented.

Conflicts in Southern Kordofan and Blue Nile

Conflicts in Southern Kordofan and Blue Nile states are not only between community-based groups (tribal or ethnic groups) over natural resources or local politics, but also between armed groups and the central government in Khartoum over political power and national wealth. Southern Kordofan is located in Sudan’s most critical zone of ethnic interaction between Arab tribes (mainly Misseriya and Hawazma) and the Nuba people. Communal conflict over ownership and access to natural resources, grazing and farm land, water, local borders, and local politics, aggravated by environmental degradation and central government neglect, has been part of the history of the area.

Blue Nile state borders Ethiopia and has critical Nile dams. Due to its strategic and economic importance, this state has been the focus of a struggle for political control between the government of Sudan and the SPLM/A since 1997. Similar to Southern Kordofan, the situation in the state is characterized by ethno-cultural and religious diversities and political polarization between the National Congress Party (NCP) and the SPLM-North. During the civil war, the inhabitants of the two states were mobilized by the opposing parties and, despite the CPA, remained deeply affected by that conflict, polarized and fragmented along political and tribal affiliations.

The CPA marked the fate not only of Southern Kordofan and Blue Nile states, but of the whole country. A special protocol for Southern Kordofan and Blue Nile States intended to resolve the conflict in the two states. The residents were scheduled to hold an ill-defined ‘popular consultation’ to determine the constitutional future of the two states and express their long-standing demands. The protocol was, as will be shown later, a work plan for conflict resolution rather than a final settlement for peace-building. It failed to satisfy the aspirations of the people of the two states, which included a long-standing demand for self-determination to protect their society and culture and reverse decades of marginalization and discrimination.

During the interim period following the CPA (2005–2011), many contested issues of this protocol were deferred to an uncertain future. When the interim period reached its end, the measures for Southern Kordofan and Blue Nile (and Abyei) were well behind schedule and again postponed. The inadequate implementation of the protocol and frustration in society about the failure to create peace dividends led to growing dissatisfaction, insecurity, and, finally, a renewed outbreak of war between the by then banned SPLM/A-North and the government of Sudan. This war erupted in Southern Kordofan in May 2011 and in Blue Nile three months later. In its core it is about the region’s ethnic divides and has been escalating ever since.

What makes this war fatal is the attempt of the SPLM/A-North and its allies to create a new ‘South of Sudan’ and fight for the ethnically, economically, and religiously marginalized peripheries. The conflict in Southern Kordofan and Blue Nile states is inextricably linked with conflicts between Sudan and South Sudan, so that a proxy war is evident. Peace between the two countries may arguably lead to peace in the two states.

The fate of peace-building in these front-line states will tell much about the viability of Sudan’s entire peace process and anticipate whether the remaining Sudan will stay as one country or disintegrate into more parts.

Conflict in Darfur: A mixture of highly politicized disputes

The conflict in Darfur is a clear manifestation of the complexity of Sudanese conflicts. Labeling the conflict in the region as a struggle of African or black groups against Arab or white groups, or only as a struggle of Darfurian elites against the central government is an oversimplification (DCHR 1993; El-Tom and Mohamed Salih 2003; Suliman 1994).

In 2003, the conflict, which had been smoldering due to political, economic, and cultural marginalization since the annexation of the region to Anglo–Egyptian Sudan in 1916, finally became violent. Communal conflicts between different ethnic groups not only occurred over access to land, water, boundaries, and local politics, aggravated by environmental degradation and climate change, as in other parts of the Sahel, but also due to neglect by the government. The communal conflicts were interwoven with conflicts between Darfurian groups and the central government over political representation, economic development, and cultural recognition. These in turn were interlinked with the regional African conflict system involving Chad, the north-eastern Central African Republic, and Libya, and also had an international dimension. Cross-border identities, trans-border ethnic communities, trans-border trade and migration, but also state deficiency, regional instability because of hostile regional alliances, cross-border movement of armed groups and proxy wars characterized this system of conflict (Lake and Morgan 1997; Buzan and Waever 2003). Darfur and the neighboring regions were and still are entangled in “regional conflict complexes”, characterized by “situations where neighboring countries experience internal or interstate conflicts, and with significant links between the conflicts” (Wallensteen and Sollenberg 1998, 623).

The international perception of the conflict in Darfur culminated in the verdict of the US administration that Darfur was

the site of an ongoing genocide. The chain of events leading to Washington’s proclamation began with ‘a genocide alert’ from the Management Committee of the Washington Holocaust Memorial Museum; according to the Jerusalem Post, the alert was ‘the first ever of its kind, issued by the US Holocaust Museum (Mamdani 2007, 2).

Naming the conflict in Darfur genocide “has become a label to be stuck on your worst enemy, a perverse version of the Nobel Prize, part of a rhetorical arsenal that helps you vilify your adversaries while ensuring impunity for your allies” (ibid). Save Darfur Coalition—an alliance of more than 500 faith-based organizations¹—were leading bodies in this politicization of the

¹ Among them the American Jewish World Service, the American Society for Muslim Advancement, the National Association of Evangelicals, the US Conference of Catholic Bishops, the US Holocaust Memorial Museum, the American Anti-Slavery Group, Amnesty International, Christian Solidarity International, Physicians for Human Rights and the National Black Church Initiative.

Darfur conflict. Subsequently, the United Nations Security Council labeled Darfur “a threat to peace and international security” (ibid.) and mandated peacekeeping forces and a criminal investigation by the International Criminal Court (ICC).

Peace-building process: The dominance of the break-up strategy

Considering the history of conflict in Sudan, this paper argues that the conflict resolution processes employed are not compatible with the complex web of conflict described above. Attempts to resolve the conflicts—by Sudanese stakeholders and the International Community—were characterized by three related deficiencies. First, these attempts were fragmented, geographically circumscribed, anchored in particular areas, and made independently of each other. Second, they took place exclusively among the elites, lacking genuine inclusiveness and representation, and thus failed to buy-in a wide range of the population directly affected. Third, these attempts overlooked the root causes of the conflict and addressed, by and large, the concerns of the signatories of subsequent ceasefire and peace agreements.

Since the onset of conflict in Sudan, there have been numerous attempts for peace. Many initiatives from national, regional, international, formal, and informal bodies were delivered and many agreements were signed, but few have been fulfilled. The formal ones were the Addis Ababa Peace Agreement 1972, Koka Dam Agreement 1986, Abuja Peace Conference, and Peace from Within Talks 1992, Khartoum Peace Agreement, Nuba Mountains Peace Agreement, and Fashoda Peace Agreement 1997, N’Djamena Talks (Chad) 2003–2004, Cairo Agreement and Comprehensive Peace Agreement (CPA) 2005, Darfur Peace Agreement and Eastern Sudan Peace Agreement (ESPA) 2006, and Doha Peace Agreement 2011 (Simmons and Dixon 2006).

Informal initiatives of non-governmental and civil society organizations are often not well documented. Upon initiative of the University of Khartoum Staff Union and the Trade Union Association, talks in Ambo, Ethiopia, took place; the first peace talks after the eruption of war in 1983 between the southern armed resistance groups and Sudan Armed Forces. After that, many initiatives for peace came from civil society organizations (CSOs). Sudan First, Nadwat El-Ameed of the Ahfad University for Women

in Omdurman, the Group of Ten, and the Women's Peace Network Initiative were the most famous among many other CSOs' peace initiatives, which also came from the Carter Center, Concordis International, the Center for Humanitarian Dialogue (Geneva), and Justice Africa (Abdel Ati 2006). CSOs initiated peace talks, but were excluded in the formal agreements. Only after international actors' pressure and at a very late stage did the GoS and the SPLM/A negotiate the formal peace agreements.

Of the above peace initiatives and agreements, only the CPA, the Doha Agreement, and the ESPA were either fulfilled or are still in the process while the others were either violated, just faded out, or were replaced by another agreement. The CPA treated Southern Kordofan and Blue Nile as special regions, which were given special consideration and special protocols. These protocols stipulated that popular consultations should be held under the supervision of the national government before the end of the interim period of the CPA in July 2011. Chapter V of the CPA (on the resolution of the conflict in Southern Kordofan and Blue Nile states) defined popular consultation as a "democratic right and mechanism to ascertain the views of the people of Southern Kordofan/ Nuba Mountains and Blue Nile States on the comprehensive agreement reached by the Government of Sudan and the Sudan People's Liberation Movement" (UNMIS 2005). If these views suggest that citizens of either state see shortcomings in the CPA, the relevant state legislature "shall engage in negotiations with the National Government with the view of rectifying these shortcomings" (UNMIS 2005). Popular consultation started smoothly in Blue Nile State with citizens' hearings, but was delayed in Southern Kordofan. Other substantial issues such as establishing Land Commissions which were to solve land disputes, disarmament, demobilization and reintegration (DDR) of former combatants of the SPLA into the civil administration of Southern Kordofan, in the police, or in the Sudan Armed Forces did not take place.

Unlike the right of self-determination given to the people of South Sudan by the CPA, the popular consultations did not give decision-making power to the populace, but to the parliaments of the states, which could choose between accepting or amending the CPA. Popular consultations thus were to be carried out through the parliament and not directly by the people. Therefore, the election at state level was crucial for the NCP and the SPLM. It became the last peaceful struggle between NCP and SPLM. After the election, armed conflict recurred in Southern Kordofan and Blue

Nile states as a result of the BUS pursued on the basis of the CPA Protocols for the Three Areas .

In August 2011, only a few weeks following the government's rejection of the Addis Ababa Agreement of 28 June 2011, shortly after it had been negotiated, the SPLM-North together with Darfurian resistance groups—the Sudan Liberation Army (SLA) factions of Abdul Wahid and Mini Minawi and the Justice and Equality Movement (JEM)—announced the formation of the Sudan Revolutionary Front that was to unite political and military efforts of the “New South of the North” to change the regime in Khartoum.

Despite the jam of peace initiatives and agreements, armed conflicts are still being fought in Darfur, Southern Kordofan, and Blue Nile states at the three levels: communal, center-periphery, and cross-border.. For ten years, the numerous attempts to achieve lasting peace for Darfur have failed, and war has not stopped despite the Doha Agreement of 2011. Besides the main issues of wealth and power sharing and the re-definition of Darfur (either one region or divided into three regions), issues such as land disputes, insecurity, displacement, and claims for compensation are still pending. Hence, the analysis has revealed so far that the CPA and the Doha Agreement are manifestations of the BUS. Creating a “New South of the North” after the secession of South Sudan recycles the history of conflict in Sudan, as it had started in its inception in 1955. The “New South” is a reinvention of the north-south divide with its racial and cultural perceptions; a roll-back of Sudan to old history and upholds the BUS.

State administration, socio-economic formation, and managing cultural diversity: Breaking up from the very beginning

The BUS has not only shaped conflict management in Sudan, but also structured Sudanese state formation and the socio-economic formation related to it.

The components of the modern Sudanese state were ‘pulled together’, if not ‘orced together’ by the Turko-Egyptian (1821–1881) and Anglo-Egyptian rule (1898–1956) through an obliteration of the territories of the indigenous kingdoms (of Sinnar, Darfur, etc.) through border demarcation and loose annexation, inclusion and exclusion of different groups of people, and through imposing central rule in Khartoum. Since then, “the

Sudanese state has never become a 'nation-state' in the classical sense or a state that represents its different regions. It is actually the state of the center (Eltahir 2010, 63). Looking at the combined socio-economic and regional dimension, the socio-economic elites of the center arguably have been dominating the state throughout Sudanese history, as the following chronology shows.

From 1956, the date of independence, to the military coup on 25 May 1969, the Sudanese state can be classified as a traditional elite state. After 1969, the modern elite state emerged, taking two different forms: The first was the bourgeois–bureaucratic state, which was established in 1972 and lasted throughout the 'May Regime' until 1985 (Niblock 1991). The second form of the modern elite state is the bourgeois–Islamic state, which followed the military coup of 30 June 1989. With a liberalization of the economy, the privatization of state companies, a commercialization and liquidation of large parts of the public sector, along with the ideological control over the state by the National Islamic Front, the economic policies reflected only the interests of these new riches.

The elites of the center have thus dominated the Sudanese state since its independence. This analysis is complemented by a chronology from a different angle, focusing on the state administration.

Under the condominium, the state administration was structured under a "paternalistic relationship" (Abdel Samad 1995, 218), where the central government had a strong grip on the lower units of the provinces and local governments, which were forced to rigidly comply with the directions of the center. After independence, the state administration remained almost entirely the same. The difference was a replacement of the paternalistic style by a "Big Brother" (Abdel Samad 1995, 218) style, especially under the three short-lived democratic regimes.

The May Regime (1969–1985) established regional governments throughout the state territory—for the first time in Sudan's administration. However, the political practice of the regime made devolution turn out to the contrary (Abdel Samad 1995).

The regime of Al-Ingaz (since 1989) has exercised almost the same paternalist style of state administration. At the technical and structural level, it adopted, for the first time, a federal system of state administration. But the political mechanism, executed by the presidency and the ruling party NCP, created a paternalistic state administration.

Hence, the state administration in Sudan has remained centralized, in spite of its movement from a unitary state to a federal state, from a central state with de-concentration to decentralization and devolution of power and regionalism.

The BUS has also been incorporated in the management of socio-cultural diversity in Sudan, which includes the degree and quality of power sharing, the extent to which economic development is geographically distributed, and in the policies of accommodating ethnic and cultural diversity. A quick historical survey sheds light on the predominance of the BUS in this field.

The Turko–Egyptian conquest of Sudan interrupted the gradual indigenous state formation and imposed, instead, a colonial state, which brought the country under one central authority. By this strong centralization, the Turko–Egyptian rule reinforced Arab–Islamic cultural domination of the social, economic, and political stage in the northern, central, and eastern parts of Sudan (Harir 1994).

During the Mahdist revolution in the early 1880s, the need to unite to liberate the country from the foreign powers planted the first seeds of the “Holding Together Strategy”, because it brought a sense of national inter-ethnic cohesion. However, as soon as the Mahdist State had established itself, the first seeds of the “Breaking-up Strategy” replaced the “Holding Together Strategy”. Ethnic conflicts rose between those who called themselves *Awlad Al-Balad* (Arabic for indigenous people) and the *Awlad Al-Gharib* (Arabic for “foreigners”, denoting the people who came from the western part of the country).

The Anglo–Egyptian state “enhanced ethnicities and provided it with significant political and social dimension by establishing the ethnic groups as the administration units” (Hurreiz 1989, 89) through the Native Administration Ordinances, isolated non-Arabized and non-Islamized parts of the country by the Closed Districts Ordinance and the Southern Polices (Beshir 1968).

At the time of independence and within the national movement toward it, there were strong drives towards the HTS especially in the north, and strong feelings that ethnicity and tribalism were a real threat to national cohesion. The military government of General Abboud (1958–1964) pursued an Arabo–Islamic policy with regard to southern Sudan to step up “the spread of Arabic and Islamization, in the belief that this was the only way to achieve unity in the future” (Beshir 1968, 81). The second

democracy (1964–1969) was a period of elaborate, democratic, and formal dialogue on the issues of national integration. Due to open debate between the different ideologies and political parties, formally at the Round Table Conference (March 1965)—which reached a deadlock and concluded with the establishment of a twelve-man committee—this period, witnessed another attempt to realize the BUS.

While the May regime (1964–1969) applied a policy of HTS culture in the north, it applied a BUS policy in the south—through Islamization and sharia laws.

Since then, the BUS has prevailed. The transitional period of the government of Suwar Al- Dahab (1985–1986) and the third democracy (1986–1989) were steps in the escalation of this strategy—the ‘National Salvation’ regime with its Islamization policies and the Civilizational Project represents its most extreme form.

Outlook: Democratization of peace-building

How to bring back the HTS is the main question that results from this analysis. It is a long route to go when we consider the history of state formation and management of diversity, but, as this analysis showed, to democratize the process of peace-building could be the key to turn away from the BUS.

Lack of democracy accompanied the predominance of the BUS, thus constituting the structural constraint to a democratization of the peace process. The paper has shown that the continuation of civil war in Sudan despite the long search for peace that resulted in so many peace agreements is due to the dominance of a piece-by piece and elitist approach to conflict resolution. It lacks real representation and participation and a broad-based, participatory, and consultative approach to conflict transformation. The partners of the CPA had agreed to take this partial approach, because otherwise, they would have had to totally restructure the distribution of power which at last would negate their existence in power. Furthermore, space for civil society remained limited throughout the peace process, so that it could not benefit from the constructive role CSOs can take in reconciliation, trust-building, the socialization of a culture of peace, family reunification, and cross-cultural dialogue, let alone in protecting and monitoring peace.

CSOs can ensure some kind of balance between central authority and social networks, mediate between citizens and the state, mobilize, and convey citizens' interest to state institutions. In CSOs, people, especially youth, learn how to express, defend, and execute their rights, because CSOs give them a room for debate and democratic decision-making, where they acquire the capacity of being citizens (Eltahir 2012, 17).

The popular consultation processes in Southern Kordofan and Blue Nile states and the peace process in Darfur have been identified as examples of the BUS fragmentation of Sudan's problems along geographic lines. These processes are critically important and should continue, but they should be subordinated to a single national and comprehensive process, aiming to conclude with the development of an improved system of governance captured by a new constitution. The repeated call by the opposition parties for a constitutional review conference suggests a way forward. Such a conference can become an extensive national consultative process to accommodate the popular consultations. If processes of popular consultation run separately, they will not lead to political stability and lasting peace. Lasting peace in Darfur, Southern Kordofan, and Blue Nile states will lead to peace all over the country, if conducted as a national and comprehensive democratic process.

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The changing nature of political activism in Sudan: Women and youth ‘activists’ as catalysts in civil society

Sondra Hale and Gada Kadoda

When one embarks on a contemporary political study of the Sudan region with its incessant conflicts, constant political upheavals, and changing economic fortunes, one has to acknowledge that events and actors are changing more rapidly than analysts can process them. The political atmosphere in Sudan is changing fast and events are hard to capture properly by analysts. This paper attempts to illuminate women and youth as political actors in contemporary Sudan, contributing to the literature on the development of civil society. The term ‘civil society’ was resurrected in the 1980s, partially as a response to authoritarian states. Neera Chandhoke both defines and challenges the concept:

The concept of civil society came to signify a set of social and political practices that sought to engage with state power. The close connection with the re-emergence of the concept and the collapse of dictatorial state made civil society attractive to a variety of political agents pursuing different agendas (...). That the concept of civil society could suit such a variety of different political projects is cause for some alarm, for it might well mean that civil society has come to mean everything to everyone (...) (Chandhoke 2010: 175).

For many, the process of developing civil society has meant carving out a ‘free zone’ as it was referred to in eastern Europe, or a ‘third space’ to some—adding a third option to the existing approaches of reform of state power from above, on the one hand, or revolution from below, on the other. As Chandhoke remarked, civil society “offered a promise that the rather tormenting deficit in the lives of people would be filled up by warm and personalized social interaction (...) (ibid.: 178). These free spaces would consist of social and self-help associations and mutual solidarity.

This paper explores the changing contemporary political landscape of Sudan within the context of civil society through the lens of women and youth as political actors. The focus is on how this landscape is reflected in

the language that people in general—but especially women and youth—use to self-identify as political actors. The research is partially based on formal and informal interviews that Gada Kadoda (with the help of a student team) and Sondra Hale carried out in Greater Khartoum in 2011 and 2012, and on informal interviews that Hale carried out over some of the same time period among Sudanese political actors in diaspora.² Although the study concentrates on Sudan, it is also placed within a global context to examine same or related phenomena occurring elsewhere.

Few, if any scholars have intersected gender, non-governmental organizations (NGOs), civil society, youth activism, and grassroots organizations. Whereas a number of scholars, including Hale (1996), have published in English on women's political activity, this intersectional approach is new in terms of its location within Sudan gender studies. The main research proposition is that many political actors (used as a neutral term here) in Sudan, especially women and youth, have moved away from self-identifying as members of a particular political party (e.g., Communist, Umma, Democratic Unionist, National Congress Parties), may be reluctant to espouse an established political ideology (e.g., socialist, conservative, liberal), or have moved away somewhat from self-identifying with the more revolutionary term *munadhel* (a fighter who struggles for a cause). Instead, in recent decades people have begun to refer to themselves as 'activists' (*nashitaat*, pl.f. or *nashta*, sing.f.), a relatively new term in Sudan. The progressive press also uses the term, often with a qualifier as to what kind of activist, e.g., women, human rights, etc. (Alnagar 2012).

Through the testimonies of women and youth activists, this paper analyzes why the new political terminology has come about and what this reflects of the changing Sudanese political terrain. In the interviews, women and youth were asked to indicate what the term 'activist' means to them and how it guides and/or reflects their politics in the changed milieu.

The paper lays out the national and global context, underscoring the social forces that have affected contemporary thinking about politics and about acting politically. Then it moves to a theoretical discussion of the

² We acknowledge the fieldwork assistance of Fatin Azhari and Rabab Elnaiem. This student team carried out 10 interviews with selected political actors. Kadoda carried out five interviews with crucial, high profile political actors; and Hale carried out dozens of informal interviews with political figures over the last 10 years in Greater Khartoum and among Sudanese in the diaspora.

shifting emphasis on NGOs, ‘grassroots’ and direct action politics, and last, to specific examples of such forms of activism in Sudan.

National and global context of political activism

A number of factors have shaped contemporary pre- and post-secession Sudan:

- Colonial legacy;
- Dominance of sectarian politics;
- Prevalence of Sufism and the eventual rise of Islamism;
- Dominance of the military;
- Continuous conflict between north and south, and among the central riverain area and the margins of Darfur, the Nuba Mountains, Blue Nile and eastern Sudan;
- Changing character of oppositional politics, including the rise of marginalized groups;
- Failure of political parties in general;
- Power of economic factors such as the discovery of oil and desertification;
- Neoliberalism in the form of structural adjustment; and
- Impending and then actuality of the secession of South Sudan (Beny and Hale, in press).

This complex set of national and international socio-political forces have changed the ways that political actors self-identify.

Although some of these political phenomena are unique to Sudan, nonetheless, many have coalesced with and/or are reactions to global phenomena. Among these are the dissolution of the Soviet Union (1991) and the fragmentation of much of Eastern Europe, altering politics nearly everywhere with the collapse of a particular kind of adherence to socialist authority. Without the discipline of centralized parties, populations began to reorder their politics. Resentment of the oligarchic tendencies of centralized parties led, among other factors, to the rise of various youth and other grassroots movements (internationally), often characterized by a dismissal of organized politics and a distrust of international monetary organizations and other international organizations, and leading to anarcho-tinged insurrections. In Sudan, this is expressed with the *Girifna* [“We Are Fed Up”] movement and in Egypt with the *Kefaya* [“Enough”] movement, not to mention the Arab Spring and Turkey’s Taksim, where

there have been processes of direct action and the rise of youth and women. In solidarity with the martyrs of the revolution, Egypt's "We are all Khalid Saeed" campaign was replicated in the September 2013 demonstrations in Sudan with "We are all Salah Sanhour", in reminiscence of a young pharmacist killed in the government crackdown on protesters during mass protests.

This paper argues that, for a range of reasons, many 'political actors' no longer confine themselves to self-identifying only as members of parties or sectarian groups or with a particular political ideology. The causes of this abandonment—by women and youths, in particular—or the manifestations of less interest in old ideologies or political groups may also be a result of the exclusion of women and youth in the leadership of most parties; the domination of affiliated women's wings by the main party; the influence from the diaspora, where women and youth were freer in their actions; and the consequent migration of many women into NGOs, resulting in the growth of civil society and its heavy reliance on women activists. There are also independent forms of activism, which emerge among rural women who may have been previously aligned with traditional political parties, but who are now among the internally displaced.

Related to this relatively new use of the term 'activist' is its seeming 'neutrality'. During periods of extreme political oppression, such as in the early years following the National Islamic Front (NIF)/ military *coup d'état* of 1989, it was not safe to say that one is a 'communist' or a member of the Umma Party, and the like. The term 'activist' could apply to people of any political persuasion working in an NGO to improve the conditions of people's lives. However, one of the research findings is that the term is less likely to be used by male political actors and by Islamists who still self-identify as supporters of the National Congress Party (NCP) or the previous NIF. This may be less true of the Salafists, however. The research rationale for a focus on women, and to some extent on youths (and the intersection of both groups) relates to the demographics of civil society and grassroots movements. The long period under the Islamists has been, on the one hand, a time of deep suppression of women's rights and, on the other hand, a historical moment in which women, in particular, self-identifying as "activists" (*nashitaat*), have shifted their political work on behalf of women and other marginalized groups to NGOs and other various groups and networks, enhancing and expanding civil society. At the same

time, various forms of grassroots movements have become prevalent, with women and youth swelling the ranks as they have the rolls of the NGOs.

Greater Khartoum's NGOs

Sudanese women's NGOs, formed in large numbers after the worst years of the Islamist take-over, were safe and welcoming organizations. Women political actors in Greater Khartoum and in other areas formed mutual solidarity and self-help organizations that seemed safe from government retaliation while the *nashitaat* went about their partially clandestine activist work on behalf of women. Currently, women-headed or women-oriented NGOs, more than political parties and their affiliated women's wings, are the most active on behalf of women and a number of broader issues and make up the bulk of civil society. All NGOs are required to register with the Humanitarian Affairs Commission (HAC), but it is nearly impossible to obtain figures from HAC on the amount of NGOs in Sudan or any area of Sudan. It is clear, just from participatory observation and the observation of NGOs in the capital, that dozens of women's NGOs are registered with the government. However, Kadoda's interview with a member of the Board of Directors of a prominent women's NGO, Adila Alzeibag, yielded the comment that there are thousands of NGOs in Sudan and hundreds in Greater Khartoum. According to Alzeibag, NGOs appear overnight and then disappear just as quickly. Therefore, it is nearly impossible to know exact numbers (interview, 13 September 2012, Khartoum). In a phone interview with another NGO member (18 September 2012, Khartoum) who prefers to remain anonymous, Kadoda was told that there are 7000 NGOs in Sudan.

Among the most prominent women and feminist NGOs in Greater Khartoum (and in some cases, with branches outside of Khartoum and with continuing efforts to maintain contact with South Sudanese women) are Salmmah, the Women's Resource Center; Gender Centre; Nuba Women's Education and Development Association (NuWEDA); Strategic Initiative for Women in the Horn of Africa (SIHA); Mutawenat (women's legal rights center); Asmaa Society for Development; and Sudanese Women Empowerment for Peace (SuWEP), to name but a few. A typical women's NGO statement below is by Salmmah, Women's Resource Centre:

Salmmah was initiated by a group of leading Sudanese women in 1997 as a non-profit civil society organization specially

dedicated to support women's organizations and women's issues, with special devotion to the combat of violence against women and to the acquisition of human rights. Salmmah's head office is in Khartoum, with a small program coordination office in the South in Juba (Salmmah, consulted 17 September 2012).

The analysis of NGOs is rife with contradictions. On the one hand, NGOs serve the government by tending to the underserved, i.e., they actually take on some of the duties of the state. On the other hand, the government is highly suspicious of NGOs, sees them as a potential threat, and tries to keep them under tight control. For example, registration is not made easy and is not just a bureaucratic formality. With impunity, the government can either refuse a registration or drop an NGO from the rolls and many NGOs are being constantly harassed. Recently, a number of NGOs were closed, causing the decline in numbers in Greater Khartoum. Matters will become more difficult for NGOs, because HAC has recently been moved under the control of the Ministry of Interior (information provided to Kadoda by two university professors whose names have been withheld upon request, during a meeting of NGO activists in the European Union office in Khartoum, 12 September 2012). This move by the government places NGOs under tighter and more direct control of the security apparatus, whereas funding challenges in post-secession Sudan jeopardize their activities and their very presence.

Grassroots organizations

Within Sudanese civil society, besides NGOs, there are also more loosely organized 'grassroots' groups and movements. In most cases, these are created by political actors who are trying to engage in direct action or participatory democracy and in popular mobilizations. They include some militant groups such as the Girifna, which are considered here both as a grassroots and as a youth organization that confront the state directly, but are not militarized. Since the last third of the 20th century, similar movements have spread all over the world, ordinary women and youth groups have mobilized, from the Madres de Plaza de Mayo (Argentina) to neighborhood associations in New York. According to Karen Brodtkin,

(...) [G]rassroots movements are mainly concerned with local issues, with what affects ordinary people every day. The media and public opinion are preoccupied with the spectacular (...)

the participants in grassroots movements are ordinary women attempting to accomplish necessary tasks, to provide services rather than to build power bases (...). To win their demands, women have formed networks of grassroots and private organizations known (...) as NGOs (1997, 6–8).

Brodkin's notions about the local nature of grassroots, the non-hierarchical aspect, and the importance of networking seem very much in line with some of the most recent Sudanese women and youth activism. However, in Sudan, where political parties and the government have defaulted on the majority of the people, especially the ethnically marginalized, the nature of grassroots can be very different. Not all these grassroots organizations or groups have only local issues in mind, and some of them do seek some degree of power. Furthermore, whether or not most Sudanese NGOs have characteristics of 'grassroots' organizations is problematic and something to be explored further. Yet, from interviews and conversations with women-oriented NGO staff and members, it is clear that, even if they are still members of the Sudanese Communist Party or the Sudanese Women's Union, their self-identification is 'activist', and their allegiance is mainly to their NGOs—with 'activist' having become a political identity in and of itself.

At least one exception to Brodkin's definition of 'grassroots' (local groups tending only to local issues and not seeking power) is the most visible and politicized grassroots movement in Sudan in recent years—Girifna. Composed mainly of disaffected youth, it was founded in 2009 during Sudan's election campaign, and has grown and expanded its goals since. Today, its aim seems to be to offer a major challenge to the central government—without resorting to violent means. Although it began as an open, non-hierarchical, street protest group of young men and women, it has been so suppressed by the government that it has become more secretive and gone underground or is active only through social media, its leaders working outside of Sudan. Originally, the goal was to confront human rights abuses, but the movement has grown into a major dissident movement (Widginton 2012).

Rural activism

Rural activists' self-identification patterns are both different and similar to those of urban activists. At the time of writing, at least two major groups

of rural political actors can be distinguished, which overlap, i.e., one can be a member of both groups. The first group consists of members of political parties which are active in the rural areas, such as in regions of Darfur and the Nuba Mountains. Some of these may be armed insurgent groups, which are not, for now, included in this analysis. The second consists of civil society groups from all levels—from village committees via community-based organizations (CBO) to local staff of international NGOs (INGOs). The scope of this exploratory study made it impossible to interview members of armed rebel groups in these areas, though it is conceivable that their perspective on activism might be comparable to some civil society activists in that, even though their means are different, their goals are the same. They may, however, self-identify as ‘rebel’—a more revolutionary form of activism.

A number of leaders of CBOs who were interviewed, identified themselves first as members of a political group (e.g. Sudan People’s Liberation Movement—SPLM, now SPLM-North), and second as ‘activists’. One of the interviewees, a Nuba Christian, said that in the current situation she would never identify herself as a member of the SPLM-N and that she would not even self-identify as “*nashta*” because of the problems it can bring. She prefers to explain that she does “community development work.” It is important to point out that a large portion of people living in the Nuba Mountains are engaged in a war against the central government. Therefore, Nuba living in Greater Khartoum and doing work with the displaced are all suspect. This affects the way a Nuba would respond to question(s) in interviews. This self-description also points out that people move in and out of political identities, depending on the political situation at that very moment and the immediate environment within which they are speaking.

While some CBO leaders shy away from political affiliations and self-identify first as activists for a specific cause (e.g., on behalf of women, the Nuba, and the like) partially because they want their efforts to be inclusive, some among the marginalized are motivated by mistrust. A revealing perspective came from two women who represent the target populations of CBOs—women who take part in income generation projects, peace education, as community-kitty coordinators, peace ambassadors, and so on, thus becoming agents of change in their community. One of the two interviewees, an internally displaced person (IDP), said that she identifies

herself as an activist, while the other (who resides in an active conflict zone) said that she “identifies herself according to the receiver”—National Congress Party (NCP) or SPLM, the two political groups in the area—but that her foremost identity “is my people and only among them do I feel safe to speak my mind” (interview by Kadoda, 13 September 2012, Omdurman, Sudan. Both interviewees preferred anonymity).

While many of the interviewees point to the lack of “freedom of expression” as a reason for adopting multiple and shifting identities, these latter perspectives align with the observation that for IDPs, “the process of cultural change among displaced people in general, and women in particular, must be understood in the context of war, violence and forced migration” (Abusharaf 2009, 76). In a conflict zone, any identity can be fatal, and trust, naturally, is at its lowest. Hence, one of the research findings is that ambivalence and ambiguities are very much a part of when and why political actors use ‘activist’ for self-identification. In a country where there are so many conflicts, people are forced to move in and out of identities, just as they often have to move in and out of various locations, often ending up displaced.

While INGOs are at the top of the civil society hierarchy, followed by visible and large national NGOs and their networks of CBOs, one possibly distinguishing feature of rural activism is that it is situated right at the bottom of that hierarchy. It is village committees, women centers, etc., where rural activists are mostly operating and where their target communities of large development projects are closest, some of which are located in severe circumstances, such as war and conflict.

Youth activism

As a recent global phenomenon, ‘youth activism’ is gaining prominence, especially following the Arab Spring and events in Taksim Square in Turkey, where the years 2011 to 2013 witnessed youth-led demonstrations calling for change in a number of countries, extending to Sudan. This prominence, which at least in part increased the self-confidence and status of youth, made them seem a threat to totalitarian governments. In contrast, however, youths became agents of change in the eyes of international foreign policy developers who claim to be keen on progressive and inclusive governance, which may further threaten totalitarian governments.

Thus youth movements, which may be historically associated with radical activism, have recently been co-opted, in a sense, not only by international bodies, but also often in conjunction with governments, as an opportunity for channeling youth energy and creativity. In a way, this can be described as some kind of creation of civil society, that ‘third space’ mentioned earlier, but one that is tightly controlled by INGOs or the Sudanese government. One of the goals of Sudan’s youth strategy plan, for example, is to “promote the participation of young people, politically, economically and socially.” The policy document cites the establishment of the National Youth Parliament in 2010 as a major achievement, but acknowledges that only 25 percent of youth are active in politics (Federal Ministry of Youth and Sport 2007, 18). This percentage represents the number of youth members in political parties. The figure does not take into consideration active youth groups like Girifna, Youth for Change, Shawaria, etc.

This co-optation of the concept of ‘youth movement’ by international organizations and Sudan’s government is very different from the global grassroots phenomenon described above. Yet, a number of youth organizations are not under the auspices of authorities, and are increasingly becoming recognized by traditional opposition entities (e.g. National Alliance) and INGOs (e.g. UNDP).

If the latest street and campus activities are any indication, it appears that the numbers of youth activists are growing and that more youth, after a dormant period under the repressive regime, are gaining political consciousness. The last decade, in particular, witnessed a surge in the number of youth groups and networks participating in humanitarian aid and development and cultural, political and technology-related projects. Some groups, for instance the Deel Ahly network, established in 2011, engage in charity activities especially during religious seasons like Ramadan. Or, more recently, youth have followed the *nafeer* (a call to mobilize) social tradition of volunteering during a crisis, such as the 2013 flood (Kushkush 2013, A7). Whether or not these activities will develop into a youth movement remains to be seen.

Culture and politics occupy a considerable engagement mode for youth, sometimes with political change being the main agenda (e.g., Girifna members who aspire openly to regime change), while others are less direct (e.g., Shawaria whose street shows often include political poetry

and plays). There are four distinct trends, the first related to global and regional youth movements like Kefaya in Egypt (and what was witnessed in the Arab Spring), the second with a more local focus, e.g., recreational spaces used for singing, poetry and debate circles (still vulnerable to public order police and perhaps to another attempt at co-opting youth exuberance). A third trend observed is a high level of engagement in technological development. The fourth trend is diaspora politics. Sudanese youth activities are not confined to borders. Recently, youth movements have synchronized protests by the Sudanese diaspora in many parts of the world where youth groups like Girifna have played an important role in organizing the action. Even though most of these protests were staged in the United States, Europe and ‘freer’ environments generally, Sudanese youth in places like the Gulf States have become very active and are forming alliances with youth in Sudan (interview with the President of the Sudanese Association at Emirates University, Al Ain, by Kadoda, 1 September 2012, Khartoum,). Despite of the fact that many of Girifna’s members were chased out of the country—affecting their visibility in the demonstrations of July and September 2013—their notions gave birth to Abena (“We will not comply”) which was a leading youth movement of the demonstrations in Fall 2013. It was even joined by humanitarian-oriented groups like Nafeer. The agility (and multiplication) of these groups and the fact that its members are often members of other groups (including political party affiliated youth), too, blurs the lines that separate the groups and confuses the authorities and political parties alike. However, it raises the question of whether or not there are more unifying factors among active youth than those that meet the eye; one being ‘youth’ as an identity in its own right or as sub-identity within the larger ‘activist’ space.

Still, how do these forms of activism compare to being a member of a political party and following its system? In the July 2013 street demonstrations in Khartoum, youth activists used the Ansar and Khatmiyya mosques (Umma and Democratic Union Parties’ spiritual centers) as the meeting place for Friday demonstrations; and youth leaders of Egypt’s Arab Spring were visible at the negotiating tables and at debates on TV programs alongside political party actors. How would these interactions of youth and women activist groups and political parties influence the informal and spontaneous ways of activists and what ‘changes’ will be necessary to overcome the typical ambivalence that adult male political

actors have toward youth and women. How can they become accepted as legitimate political actors? Worth mentioning is the resistance of the youth to the traditional set-up and to the older generation of opposition actors. However, the announcement of the formation of a coordinating body that unites youth groups, opposition parties, civil society organizations and trade unions during the September 2013 protests may indicate change in strategies and greater recognition of the other.

Conclusion

To paraphrase a US social movement theorist, one of the main tasks that grassroots, NGO, and youth activists perform is to bring in their own visions and social identities in the name of doing right. “In so doing they create a movement’s collective political actor, a political identity that is more than a demographic. It is an identity infused with a cultural and political perspective that embodies the movement’s social values, its vision as well as its energy” (Brodkin 2007). Political identities are inherently unstable. In the Sudanese political arena, ‘activist’ as a term may have begun as a diluted form of *munadhel*. The research findings indicate, though, that the concept of ‘activist’ may be gaining its own strength and may be in the process of becoming a legitimate political self-identification and movement onto itself, and used by traditional and social media outlets to define these actors. This addition to political terminology resembles the introduction of ‘human rights’ and related development terminology, which became known as a ‘rights-based development approach’. In *Development as Freedom*, Amartya Sen defines development as the expansion of capabilities or substantive human freedoms: “the capacity to lead the kind of life he or she has reason to value” (Sen 1999, 87) and makes an argument for removing major obstacles that limit freedom such as “poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or over-activity of repressive states” (ibid., 1). Uvin (2010), acknowledging Sen, attributes these recent changes in the “development lexicon” to the end of the Cold War, failure of structural adjustments, and interest by development thinkers in alternative and holistic approaches. ‘Activist-based approaches’ may, in the same way, signal a new social movement and political vision in which action is the agenda that brings actors together to shoulder responsibilities that should

be assumed by the government, such as school rehabilitation, medical emergency service, disaster management and response, etc.

The emergence of different types of groups and movements could also question the general ‘NGOization’ of civil society and may well dilute popular dissent and thwart attempts to change the government due to the fact that civil society is flooded by reform groups. In other words, once NGOs are doing the work of the government in caring for some of the needs of its citizens (in this case women and youths), thoughts of revolt may be numbed. Put more bluntly, the ‘activism’ of civil society participants, if not directed at changing the basic structure of the state, may come to naught. To paraphrase Chandhoke (2010, 175), it is already questionable whether civil society could suit such a variety of different political projects. She queries whether this means that civil society has come to mean everything to everyone. This would raise the question whether the dissolution of ideological descriptors (regardless of the reasons such as fear of state security or failure of political parties) is neutralizing political activity. This neutralization in turn could present an opportunity for the government to contain these groups by supporting more benign groups like Deel Ahly and allowing space on national media outlets to ‘do good’ youth.

This study, in its infancy, raises a number of questions for future research. In addition to the challenges pointed out above, a further research challenge will be to ascertain either the degree of convergence or difference in goals and demographics between women and youth movements in the formation of a revolutionary ‘Spring’.

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‘Negotiating change’: Discourses, politics and practices of Serau Village Youth Center in Omdurman, Sudan

Salma Mohamed Abdalla

In the context of the intensive ‘Islamization’ Program and the ‘Civilization Project’³ towards ‘true Islam’ that the government of Sudan has constantly promoted since the 1990s, rapid transformation and profound changes have surfaced on diverse levels of Sudanese society. These changes towards a full-scale ‘Islamization’ started in 1989, when the National Islamic Front (NIF) under the leadership of Hassan al-Turabi seized power under the guise of the military coup by Omar al-Bashir. ‘Islamization’ of Sudan covers the economy, the media, and education, draws women, youth, and communities in the Islamic ‘Civilization Project’, and spreads the *Jihad*⁴ ideology (Sidahmed 1997, 222–23). The ‘Islamization’ Program continued after the NIF split up into al-Turabi’s Popular Congress Party, which joined the opposition, and al-Bashir’s National Congress Party (NCP), which became the majority party at rule in 1998. Scholars have examined, the changes caused by the ‘Islamization’ Program mostly at the political and elite levels, focusing on the leadership of the Muslim Brotherhood and the Islamic movement activists, but disregarded the changes at the levels of local governments and in communities (Affandi 1991, Burr and Collins 2010).

This paper argues that unlike previous attempts at Islamizing society, the current government in Sudan, has efficiently managed to penetrate society by various means. The ruling NCP implemented the ‘Civilization Project’ through the control of the mass media, through establishing special ministries for engineering the Islamic society, through the secret service, and through dedicating educational programs fostering ‘Islamization’.

³ ‘Islamization’ Program and ‘Civilization Project’ have been set in inverted commas, signifying that these contain a particular ideology of the National Islamic Front (NIF) and, since 1998, the NCP, which is not necessarily considered to represent ‘true Islam’ among the larger Muslim community. Whereas ‘Islamization’ is the broader approach, the ‘Civilization Project’ focuses on directing society towards ‘Islamic’ social practices.

⁴ The original meaning of *jihad* is the encouragement of reaching a deeper spiritualism of the Islamic faith.

Certainly, this effective penetration has affected the way Islam is perceived, practiced and represented at the hearts and minds of people at the grassroots level. The importance of religion and of practicing Islam in everyday life in particular has increased tremendously and extended greatly from the private circles to the public sphere in Sudan.

This paper is based on the assumption that in the past two decades two parallel processes of ‘Islamization’ have taken place: a bottom-up process initiated by community actors and a top-down process by the Islamic ‘Civilization Project’ itself, initiated by the state towards society. This has changed the state–society relationship in Sudan and contributed to the positioning of local actors in the ‘Civilization Project’ and ‘Islamization’ Program. In this process, social groups with different capacities, diverse backgrounds, distinct priorities and agendas found themselves all together struggling for access to power and taking crucial roles in managing community life. To better understand the community actors engaged in the ‘Islamization’ process from below, this paper studies the phenomenon of youth centers in Khartoum. These centers are certainly not a recent innovation in Sudan; yet, in ‘Islamizing’ and ‘civilizing’ the locals, their function and influence seem to have been revolutionized and politicized.

This paper builds on field research⁵. It starts with a description of the socio-economic setting, history, and population of the village where the youth center, the main subject of this paper, is located. A detailed account of the emergence of this center, its activities and transformational functions in the area follows, with a focus on the change from ‘classic’ capacity-building and enlightenment of the village’s youth to more political, security and social mobilization roles. Then the paper examines how the leader of the youth center links his indoctrination to Islamic discourses and practices, thus targeting all aspects of social life in an attempt to change the community. The conclusion highlights how local initiatives and community actors have developed strategies to negotiate their needs and interests in response and conforming to the government’s ‘Islamization Program’.

⁵ All interviews in this paper have been translated by the author from Arabic into English.

Serau village: Socio-economic setting

Serau village is located on the western bank of the White Nile in the southern suburb administrative unit of Omdurman Locality. The village lays in the city boundary in the transitional zone between rural and urban Khartoum. According to the figures from Omdurman Locality and the local popular committee and based on the 2008 census results, it is estimated that about 8,080 inhabitants live in Serau village (see Map 2 and Table 2 below).

Map 2: Location of Serau village in Khartoum State



Note: Drafted by the author, designed by Michael Wegener, 2011.

Table 2: Khartoum state population census according to localities and administrative units

Omdurman Locality				
al-Rif al-Janubi (southern suburb) administrative unit				
	Name of the Area	Total	Male	Female
57.	Serau	8,088	4,275	3,813

Source: Central Bureau of Statistics, National Census 2008, extracted by the author.

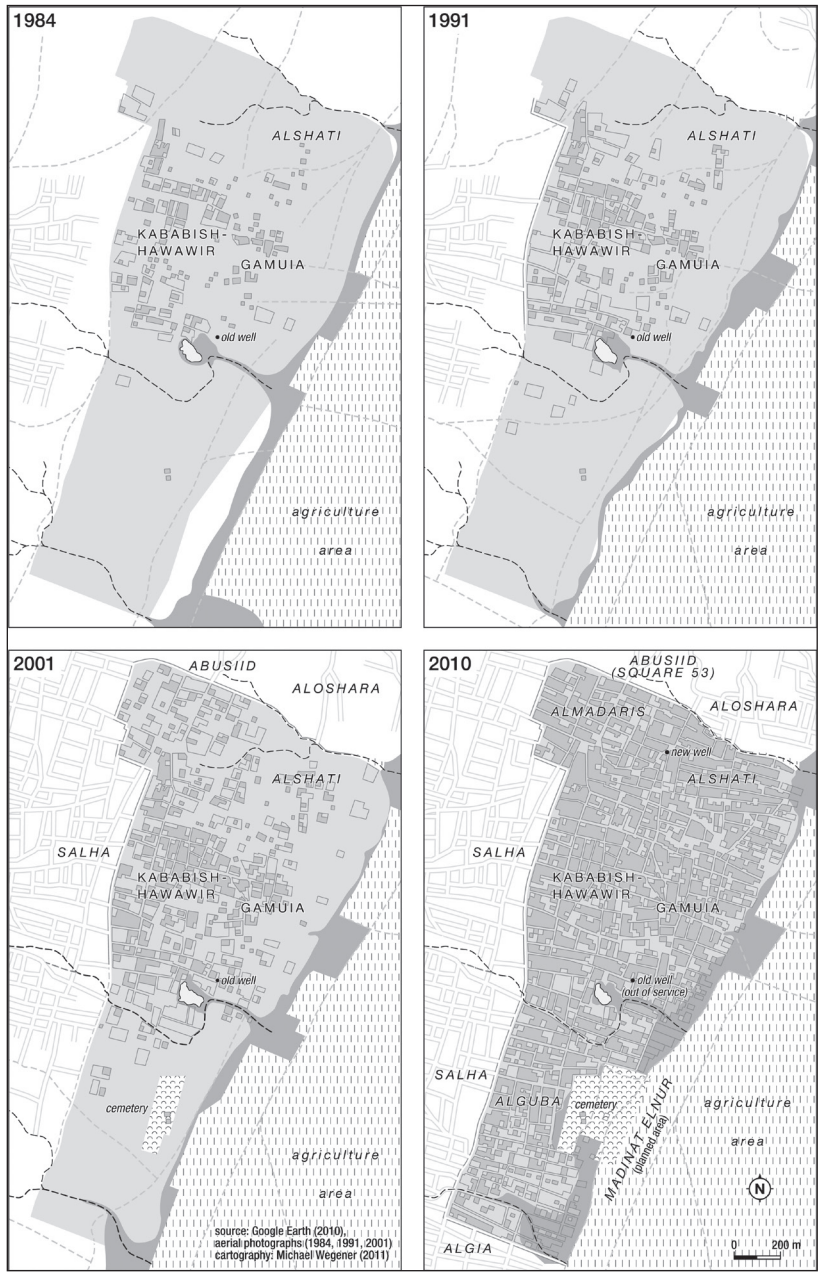
Conversations with elders from Serau village revealed that the first group that settled in the area—at least four generations back—is the Gamuia community, which traces its local history to, at least, the arrival of al-Mahdi in Omdurman in 1884. The Gamuia attribute their autochthonous rights and ‘being original’ in the area through their inherited access to Serau village land and use their exclusive ownership as an indicator.

In the 1980s, other groups like the Kababish⁶ and the Hawawir nomadic groups migrated into Serau village from western Sudan as a result of the drought in Kordofan region in the 1970s and 1980s (National Population Council 2007). The two groups settled in this area, as they had had earlier connections and family relations with Serau village people since the 1960s (author’s interview with community chief Abbas 2010). During the 1980s and 1990s, Serau village maintained the rural way of life and did not have access to urban services (statement of informants in Serau village; local government officers 2010).

In the 1990s and 2000s, Serau village, as a peripheral area in greater Khartoum, attracted different groups from all over Sudan. Land prices and settlements are more affordable there compared to areas in the city center. Therefore, a lot of newcomers inhabited Serau in the late 1990s and 2000s. The map below shows the population growth in Serau village. After a slight population increase between 1984 and 1991, in 2001, the population of Serau village had doubled and increased continuously until 2010.

⁶ For more details about the Kababish group see Macmichael 1967.

Map 3: Development of Serau village between 1984 and 2010



Note: Maps drafted by the author, designed by Michael Wegener.

Typically, in the transitional zone between rural and urban Khartoum, in a fast growing settlement like Serau village there is no match between the infrastructure provided by the government and population growth. Accordingly, the community mobilizes its energies to replace the absent role of the state in terms of social services provision. This makes a suburb like Serau village a place of dynamic social change and interaction between different traditions and worldviews. At this point, local institutions emerge to attain social harmony, solidarity, and community integration. One of these institutions is the Serau Village Youth Center. Studying such institutions provides an entry point to understanding community fragmentation, organization, and social change.

Serau Youth Center: Activities and aspirations in the field of education

Youth centers in Khartoum state are proliferating. These centers are not a new phenomenon in Sudan; yet, it seems their function and influence within society is transforming. The director of the youth centers' administration in Khartoum State stated that "youth centers [in Sudan] in the 1970s were insignificant in number. However, presently, there is mutation and evolution in the characteristics and magnitude of these centers. In Khartoum state [alone] there are 147 youth centers. Since 2007 there progressive steps to develop and modernize the youth centers have been taken, especially during the time when the former minister Hashim Haroun was in office" (Akhir Lahza Newspaper 2011). In the same interview, the director confirmed that political activities are banned in the youth centers and youths are expected to "take off their political veils before getting involved in the youth centers" (ibid.). According to him, the personnel and the activities of these centers are politically neutral and have no party affiliation. However, observations during fieldwork in Serau indicate that the claim that these centers are 'depoliticized' must be questioned.

The Serau Youth Center was established in the year 2006 by a dozen of young men and a few women in Serau area whose objective is to achieve 'positive change' in the community. These persons are mainly newcomers, having moved to Serau during the last decade. They have an Islamic orientation and explicitly support the ruling party, the National Congress Party (NCP). This group is part of the reformist movement that pursues a

“ (...) firm social and political program. It is distinctively characterized by societal cleansing and movement against the moral bankruptcy of the *ancient regime*. Propagating of a proper Islamic lifestyle in line with a certain puritan tendency of fundamentalism (...)” (Beck 1998, 256).

Initially, the Serau Youth Center was a Quranic association limited to the men who often attended prayers in the mosque and ran a Quranic school for children (*Khalwa*), where, for three years, an annual 200 to 300 children, both girls and boys, attended to learn Quran. The main objective of the reformers was to go beyond the scholarly study of the Quran and the prayers at the mosque. While they continued the Quranic school, they also taught the children how to behave in their daily life and how to treat their parents. Like this, the center introduced new values in the area, intended to trigger social transformation. Beyond education, the center also engages in developmental and political activities.

Increasing education sentiments

The youth center's objectives include creating positive sentiments towards education in the area and decreasing the drop-outs of schools. Education among the people of Serau was not a priority. Therefore, one of their aims in the beginning was to make the people aware of the value of further education, beyond the primary level, regardless of economic hardship.

In the same vein, the center introduced a computer literacy program to enhance the villagers' computer skills, which the youth center's leaders believed to be a necessity to survive in the 'modern world'. Since Serau is perceived as part of the 'global village', the youth center collaborated with the United Nations for Educational and Scientific and Cultural Organization (UNESCO) office in Khartoum. UNESCO donated five computers and IT teachers. Eight months prior to this research, 24 men and women had studied and graduated from the center. With a big graduation ceremony in the village organized by the youth center managers, they showed their pride about the successful graduation, about being connected to an international organization like UNESCO, and about having linked part of the community to the World Wide Web.

Moreover, the youth center's supervisors seem to be enthusiastic about the role women may play in improving and changing their families and Serau community as a whole. The center attracted a sizeable number of

women from all age groups and different backgrounds who would listen regularly to lectures from *sheikhs* (teachers of Islam) in the center. The *sheikhs* address all kinds of topics and questions from religion and worship to social and personal affairs like marriage and family matters. The youth center managers make sure they invite well-known and qualified *sheikhs* who appear on the national television and radio. This kind of cultural indoctrination is at the center of the ‘Civilization Project’ the managers practice in Serau village.

Fighting against harmful practices

The leaders of Serau Youth Center seem to belong to the group of educated ‘Muslim reformists’ with anti-magic and anti-traditional tendencies that embrace a large degree of openness towards the modern world, science and technology” (Beck 1998, 255). Young Islamist activists aim at ‘improving’ the area and advance social transformation by raising the community’s ‘awareness’ of and fighting against ‘harmful ‘traditional practices’, such as alleged witchcraft performances, faulty nutrition for pregnant women and infants, extravagance in marriages and funeral practices as well as the female Pharaonic circumcision⁷. The youth center organizes lectures and courses informing against these practices and claims to be successful, as the following statement shows:

We fight against the Pharaonic circumcision of females. We offered about eighteen lectures here. Ahfad University [volunteers] came here and we hosted them. The lectures were theoretical and practical in form of workshops. [To better access the community] we went to the sheikhs of Kababish and Hawawir and Gamuia. We fought the Pharaonic circumcision completely. Most of the villagers do not practice it any more. This is a youth initiative (author’s interview with Abdalwahab 2010).

⁷ Pharaonic circumcision is one of two types of female circumcision practiced in rural Sudan, South Egypt, and Yemen. It is less frequently practiced than the Sunni circumcision. Female circumcision is driven by the belief that the prophet Mohamed encouraged it, though many scholars dispute that. The rationale behind it is discouraging the female’s sexual desires to protect the virginity. Orthodox Islam disapproves the Pharaonic circumcision as an ancient custom inherited from the Pharaonic civilization. This practice is highly debated in the urban centers, but has significance, meanings and embeddedness in village culture (Boddy 1982, 682–98).

In their fight against ‘harmful practices’, the Serau Youth Center managers utilize the pioneers in this field, that is, the experts from Ahfad University for Women in Omdurman⁸. The youth center activists strive to make sure that the message reaches the target group in the rural sectors, mainly composed of the Kababish, Hawawir and the Gamuia communities. They enter ‘the house through its door’, meaning, they penetrate the communities through the *sheikhs*. Once these key personalities endorse this program in the whole community, participation will increase. This approach is in line with traditional hierarchical systems where the tribal *sheikh* is at the top and everything goes through him. The leaders of the youth center recognized that to follow these structures and respect the traditional culture is the best way to influence a closed community against ‘harmful practices’.

Serau Youth Center as security provider

Serau Youth Center has also taken up the rather unusual role of a security provider. As change drivers, the leaders of the youth center consider it their responsibility to take the area’s security burden on their shoulders. Introducing safety measures to protect Serau village against any dangers or threats out there is a move appropriated from Islamic, Arabic and African traditions and norms. These suggest that the young men of a particular community or village are expected to play a central role in its protection against all threats.

The youth center is aware of local security issues like incidents of theft in Serau area, which include burglary and stealing animals, but also of rumors, as for example about wild dogs attacking inhabitants of settlements in Khartoum. Conspiracy theories rose high in 2009 and 2010 when savage dogs were connected with Khalil Ibrahim, a rebel leader from Darfur, who had attacked Omdurman in May 2008. Some opponents of the government maintained that these rumors were intended to spread fear among the people of Khartoum to distract them from discussing important national concerns like the coming separation of South Sudan and the high cost of living. Others believed the dogs to be hybrid police dogs imported from Germany and belonging to a high-ranking military officer who had abandoned them

⁸ For more information, cf. Ahfad University for Women, homepage at <http://www.ahfad.org/about_us.html>.

(author's observation, January 2010). Without any evidence of the source of this event, this story came in handy for the Serau Youth Center activists, as the following statement indicates.

Now thieves (appear) in the night. Last week they stole animals. Some people do not believe the dogs (story) in Aldar Newspaper⁹. But it came to us and attacked the house of the chair of the popular committee killing twelve goats. It only takes the heart and liver of the animal and goes away. We formed a patrol during the night. From the youth of the school we built a watch-team; at 1:00 a.m. we come here and have dinner together and then we go around the neighborhood to protect it from the thieves and the dogs. We have just come now from the police office which recently opened in Salha¹⁰. They have given us an armed police car for Serau village. Tonight the policemen will be with us and we direct them to the security problems. This center with this miserable condition however it is doing great work (author's interview with Abdalwahab 2010).

This statement reveals that security has become one of the main concerns of the center. The young men demonstrate a high degree of involvement by going on night patrols to defend the village from the wild dogs and organizing a police car for further protection.

People's and community police

For the past two decades, Khartoum State Police has been running a unit called the People's and Community Police whose task it is to enhance security. Under this project, community committees were created to activate grassroots efforts in the security process, raise security awareness, and reduce the crime rates through community participation in night guarding. Through this process, Khartoum State Police establishes a partnership between the police and the community that helps the general police in their performance, employs the society's energies and capacity and that

⁹ Aldar newspaper is a daily cultural social sport and arts newspaper. This kind of tabloid journalism has a wide readership in Sudan because of its exciting stories about accidents, crime, celebrities' news, and people's concerns. It is perceived to be closer to people's concerns, distant from complicated political debates, with reports in easy language and sometimes with pictures.

¹⁰ Salha is the neighborhood east to Serau. It has a larger population and is considered more urban than Serau village.

maintains security and public order. This partnership also fights against harmful practices by installing positive religious values in the society. Within Serau village, this partnership was built with the Serau Youth Center which considers the people's responsibility as regards security as follows:

When there are two people fighting we do not let them go to the police. When they go to the police we do not allow them to go to the prosecution. When they go to prosecution we will not let them go to court. Should the case go to court and our man go to prison, we try to take care of our person through our connection. It is not part of the *lajna*¹¹; it is under the Ministry of Interior. The second thing is to secure the area with our own efforts. We train people as a national service. They cover here and secure their place. We divide the work into shifts in the weekdays. We give them IDs (identity cards) to secure the place. Next week we have 72 sisters who will graduate. Now they are getting training. We have around 32 brothers (author's interview with Abdalwahab 2010).

This shows the role of the community police in helping the ministry of interior and the Khartoum state police by reducing the cases which are taken to the prosecution or court. This process is inspired by the *jodiya* mediation, an old Sudanese concept meaning the process of reconciling differences between community members in the framework of local institutions without the use of state justice institutions like police and court (DDDC 2009). This mechanism of conflict resolution is used all over Sudan to resolve disputes through volunteers who are trusted and have a good reputation with their community. The community police committee of Serau applies this mechanism in the process of maintaining security in Serau. To achieve this goal they train people as community police and give them identity cards and recognize them.

Serau Youth Center assisting in elections and the referendum

The field research period in Khartoum corresponded with the 2010 Sudan presidential and parliamentary elections, which followed 24 years of state of emergency. The presidential campaign started in November 2009, and

¹¹ *Lajna shabiya*, the Popular Committee, is the last level of local governance structure in Khartoum state and mandated with the responsibility of service provision (Hamid, 2002).

President Omar al-Bashir competed with eleven other candidates. The party of al-Bashir, the NCP, made efforts to register voters, especially their supporters. The opposition parties were suspecting that the NCP campaign depended on state resources and structures (*Alarabiya.net* 2010). In this national environment of the election campaign, Serau Youth Center became active once more in the political field, positioning Serau in a wider context. As one of the managers of the youth center affirmed:

During the elections we did the registration from here regardless of their political affiliation. We told people to register whether they will give their vote to al-Bashir or not. You have to come out. Register. And when you go to the polling box, Allah only knows. We convinced them by being polite or with the Quran, or anything. The most important is that all these people will fill our (ballot) box. It is Omar al-Bashir. If we found stubborn ones who ask questions, we go to their house and remind them about the security we provide. We approach each according to their interest (author's interview with a leader of Serau Youth Center 2010).

This statement reveals the political role the youth center is playing in Serau village. As demonstrated earlier with regard to the security activities, the leaders of the center are associating themselves with the ruling party NCP. The informant was telling "without reservation"¹² that they encourage people to register for elections, to make sure that they will vote for the NCP presidential candidate Omar al-Bashir.

The members of the youth center who are strong NCP supporters, persuade the people of Serau by all means available to them. First, they use 'polite' methods, which usually involve some sort of benefits be they abstract (like hinting at the Quran) or strategic (like security provision). 'Impolite' methods may be used to influence a villager to vote for a particular party. Second, the Quran is employed to argue in favor of al-Bashir. This phenomenon also occurred in the NCP campaigns at the national level against the background that al-Bashir and the NCP had come to power as an Islamic movement, which is expected to attain the aspirations and hopes of the large number of Muslim Sudanese. Though this argument faced a lot

¹² My informant always insisted that he is telling me without reservation because he trusted me. This trust was possible because I was introduced to him by the secretary of the popular committee. For me this was key to access most of the information.

of ups and downs and other topics like development came on board, it still appeals to parts of the society and can be used as instrument to convince.

Southern Sudan referendum 2011

The youth center was also active in another national event, namely the Southern Sudan Referendum of 9 January 2011. It was the process in which the Southern Sudanese practiced the right of self-determination according to the Comprehensive Peace Agreement (CPA) of 2005. In this process, the voters had access to polling stations distributed in the localities and the administrative units all over Sudan. The Southern Sudanese from Serau village would vote in the Southern suburb center in Heglig Boys' School located in a neighboring village (Southern Sudan Referendum Commission 2011). The Serau Youth Center took the responsibility of disseminating this information to the voters and encouraged them to exercise their right as follows:

(...) even in the work of the referendum, I will talk about myself. I support the separation. We do not want Southerners. Record this talk if you like and I will still keep to my opinion. Even if we are supporting them to go, we have still contributed and told the Southerners to go and vote. Also, with support from the sihrij [water project] we explained to them there is a referendum so that they go from here (author's interview with a leader of Serau Youth Center 2010).

The leader of the youth center is keen to show that the youth center is ready to undertake any set of tasks that are assigned to them regardless of the personal opinion of the administrators. The "work of the referendum" was a job commissioned and delegated to the youth center by the popular committee and supported financially by the Water Project (author's interview with the head of the project Elsadig, 2010). The leader of the youth center openly and with brashness stated that he supported separation. He personally fears that should the Southerners of the north vote, this might result in unity. His professionalism, however, makes him contribute to the process and explain their rights to the Southerners.

Serau Youth Center and political participation

The Serau Youth Center's activities are obviously not as narrow as is typical of a youth center, which mainly work on capacity-building of youth. Moreover, there has been evidence that the intention of the youth center was not limited to Serau village. Links beyond the village zone were required to connect with the locality, state, and national levels¹³. There was a strategy to make Serau visible and present in the center of events at the locality level in Omdurman and, during an event in the Friendship Hall¹⁴, at the state level in Khartoum. This would catch the attention of the politicians and place Serau among those with 'good records', which would attract more social services in the long run. An indication of this was the pride of the managers of Serau Youth Center to have participated—among other events—in a national celebration in Omdurman locality:

We went to Khalifa Square¹⁵ and celebrated a jihad night in the name of the people from Serau. We took our singers from here and all the people you see here went with us. We went to represent Serau. The Mayor (of Omdurman) passed by and saw Serau (placards). He wondered loudly: What is this Serau? We told him to come so that we could show him what Serau is. The Mayor did not know Serau. He had only heard about us. He came to visit Serau after a while (author's interview with a leader of Serau Youth Center 2010).

The event had been organized by Omdurman locality¹⁶. The celebration was an exhibition of the captured weapons of Khalil Ibrahim, the leader of the Justice and Equality Movement (JEM) which attacked Omdurman in May 2008, intending to bring the armed conflict from Darfur to the capital. The Sudanese Armed Forces fought back the rebels arrested a number of them and captured weapons. The government celebrated and used this incident to achieve political credit and to demonstrate to the public the defeat of

¹³ The hierarchy of the governance system which organizes the state-society relationship in Sudan from bottom up is: local neighborhood/village - Locality - State - National/Federal level.

¹⁴ Friendship Hall in Khartoum is the biggest conference hall in Sudan. Important political and national events take place there.

¹⁵ Khalifa Square is a historical square located in the center of Omdurman near the residence and the Mosque of the Mahdi caliphate and retains symbolic importance, it is the place for religious and national congregations.

¹⁶ Omdurman Locality is one of eight localities in Khartoum State. Serau village is under Omdurman Locality.

the rebels by displaying the remnants of the battle in a symbolic public place, Khalifa Square. This event was highly politicized and mobilized and intensified nationalist emotions. Local inhabitants from the neighborhoods and villages would turn up voluntarily, not necessarily manipulated by politicians, to play along in the political game and get access to a share of the national cake. Apparently, Serau's young active men and women are interested in getting noticed and in drawing attention to their activities. They would not miss showing their support during such an event at Khalifa Square. They use the lingo of politicians, such as "*jihad* night". They make sure that there is a decent crowd for their singing group to take 'center stage' and to properly 'represent' Serau at the occasion. Fascinatingly women—'sisters'—play a central role in this event supporting their men—'brothers' on their journey.

The youth center had organized its own resources to secure means of transport to the event and rented an electric sound system so that their voice could be heard. They managed to be noisy enough and draw the attention of the Omdurman mayor towards them. Apparently, the mayor only knew Serau village from a map. They confidently invited him to come and see "what Serau is" and who the Serauians are. And shortly after that, the mayor came and brought all good things in his wake. This is definitely a strategic success in realizing the Serau Youth Center's objectives.

Jihad atmosphere

The environment of the youth center displays its Islamic orientation. As NCP supporters, the activists' dress code does not differ from the youth sector of the party. It is composed of a special type of suit often worn in governmental institutions. To liken their appearance to pious Muslims, they grow beards and carry rosaries. In addition, they have collective prayers and collective meals just like the Prophet and his companions did. *Jihadi* music and songs amplified by loudspeakers are constantly playing in the background. The *jihad*/military atmosphere is also supported by the mode of interaction of the team members. While a certain hierarchy is maintained in army style, a sense of sisterhood and brotherhood is also experienced. In all cases, the members of this group carry out their activities with the

feeling that they are *mujahideen*¹⁷. It is a non-military missionary type of *jihad* aiming at spreading their understanding of Islam and maintaining what they think is a ‘good Muslim society’.

Conclusion

In aspiring to social change, the Serau Youth Center functions by establishing practices such as self-organization and by building structures and routines. To attain its objectives, the youth center managers rely on Islamic discourse which is very pertinent for promoting norms, stimulating values and disseminating a spirit of solidarity. The activists of the youth center, while introducing new ideas, do not operate in isolation of the context of the village, but rather recognize the environment around them, acknowledge the society segments, be they tribal or of any other socio-economic division. They achieve social transformation by presenting themselves as role models, by cultivating the Islamic self and by displaying pious *jihadist* behavior. In parallel to their self-marketing, the youth center activists have developed strategies to negotiate their needs and interests by accessing state institutions and private companies, navigating between choices. Neither the personnel nor the activities of the youth center activists are politically neutral, but they have clear political objectives and show party affiliation with the ruling NCP. The youth center leaders would reach outside the geographical zone of the village to ensure political participation and to connect the village to the world, thus making sure it is visible to the politicians at different levels by displaying conformity and mirroring the state ideology at the local level. The youth center leaders represent political actors who are involved in the everyday politics of ‘Islamization’ of society from below. This case of Serau Youth Center illustrates well what is happening in micro-politics in Sudan, how the national Islamic ‘Civilization Project’ is implemented on the ground, and how Islamic conduct and related state–society relations are spread in Africa.

¹⁷ Muslims who proclaim themselves warriors for the faith.

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Post-referendum South Sudan: Political drivers of violence and the challenge of democratic nation-building¹⁸

Christopher Zambakari

On 9 July 2013, the Republic of South Sudan celebrated its second anniversary. The Comprehensive Peace Agreement (CPA) of 2005 had brought an end to one of Africa's longest and most intractable civil wars. An estimated two-and-a-half million people died as a consequence of the war since its start in 1955—a significant toll in a region that had a pre-secession population of just under 40 million in 2008 (CBS & SSCCSE 2009, 4 Table 2; Human Security Report Project 2005, 128; UNMIS 2009). In addition to the high number of casualties, the conflict also displaced millions of civilians, turning them into either internally displaced persons (IDPs) or refugees.

The political crisis in Sudan and South Sudan is often referred to as a crisis of national identity, with contested notions of citizenship and the challenge of building an effective plural society (Deng 1995; Idris 2012; Mamdani 2011; Manby 2011). Even though the CPA was intended to end violence between the two Sudans, South Sudan has not been at peace since the Agreement was signed in 2005. Hostility between Sudan and South Sudan and ongoing conflicts within Sudan led to an escalation in the number of persons killed, wounded, abducted, forcefully displaced, and affected in the period between 2009 and 2011 (Zambakari 2012a; 2012b). The post-CPA period has seen a proliferation of arms and violence throughout South Sudan (Jok 2013; Small Arms Survey 2012b; UNMISS 2012; Zambakari 2012b).¹⁹ The spreading ethnic violence in particular raises the question of whether the new Republic of South Sudan will be able to build a nation—a viable state—in a region plagued by conflicts and instability.

¹⁸ The paper was also published as Zambakari, C. 2013b. In contrast to that article, this paper includes all individual factors instead of groupings.

¹⁹ For a good analysis of land-related disputes, interwoven with identity politics and postcolonial governance in South Kordofan / Nuba Mountains and the Border States, refer to Deng 2011; Johnson 2010; Komey 2010. For a complete list of UN Reports on the situation in Sudan, South Sudan, and the Border States, refer to the respective websites of UNAMID, UNISFA, UNMIS and UNMISS. For a list of reports on the different armed groups in Western Sudan and the proliferation of arms, refer to Small Arms Survey 2006.

The objective of this paper is to analyze the problem of violence in South Sudan in the period leading up to and after the 2011 referendum. It provides an analysis of the problem of violence, measured by the number of persons killed, in all ten states in South Sudan during the period between 2009 and 2011²⁰. Then the paper looks into two major drivers of violence: Grievances because of underdevelopment, and political power struggles leading to a continuous fragmentation of the administration along ethnic dividing lines. The conclusion highlights the subsequent risks for the new nation.

Incidents of violence: Definition of variables

The unit of analysis in this study is incident. The type of incident ranges from cattle raids, inter-and intra-ethnic clashes, armed attacks as well as natural disasters. An incident has a number of possible outcomes including death, wounding, abduction, or internal displacement of people. Only incidents resulting in death were analyzed²¹. The study uses a broad set of variables, which include qualitative descriptions of incidents and quantitative data about mortality. Based on classification of incident description, binary variables were created, of which twelve are of research interest. These include: Inter-ethnic, cattle-related, other armed, security forces clash, civilian, rebel, Sudan People's Liberation Army (SPLA), intra-ethnic, unknown, natural, Sudan Armed Forces (SAF), other. The definitions used in this study, are derived from literature studies, expert discussions with representatives from the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), and the definition of armed groups used by the African Union (UN OCHA 2012; African Union 2009).

'Inter-ethnic' refers to incidents between at least two ethnic groups. 'Other armed forces' refers to incidents involving other armed groups, not clearly identified as belonging to established rebel groups, or official armed forces of the state(s). 'Cattle-related' incidents were those that occurred during cattle raids or conflict over cattle that resulted in a violent outcome. 'Security forces clash' refers to incidents involving one or more of the categories of the armed forces operating in South Sudan (SPLA, Sudan

²⁰ This period is delimited by the fact that there is no comprehensive data on violence that occurred in the region between 2005 and 2008.

²¹ For a detailed study on wounded, abducted, and IDPs in South Sudan, refer to Zambakari 2012a.

Armed Forces (SAF), Joint Integrated Units (JIU), and United Nations Interim Security Force for Abyei (UNISFA). ‘Civilian’ incidents refer to violent episodes involving non-combatants and citizens (civilians) only, without active involvement of armed groups. In this study, non-state armed actors (NSAA) are group(s) that are not sovereign but exercise some power over a certain economic, political, social, power geographical area. In other words, armed groups often exert a certain degree of monopoly of violence except they do not have the formal attribution of sovereignty accorded by international law. This classification includes such entities as rebel groups, civil defense forces, vigilante groups, warlords, militia, community defense groups, and youth armed groups. ‘Rebel’ broadly refers to armed groups and “dissident armed forces or other organized armed groups that are distinct from the armed forces of the state” (African Union 2009, Art. 1(e)). This includes armed groups such as Yau Yau and those led by Peter Gadet, Gabriel Tang-Ginye, General Athor. National armed forces like the SPLA, SAF, or peacekeeping forces of the United Nations Mission in the Republic of South Sudan (UNMISS and UNISFA) are excluded from this group. ‘SPLA’ refers to the Sudan People’s Liberation Army. ‘Intra-ethnic’ refers to incidents that occur between various sub-ethnic groups or clans within one ethnic group. ‘Unknown’ refers to an unidentified entity that was involved in an incident with a measurable outcome. ‘Natural’ incidents refer to incidents involving natural forces, such as floods, fires, or disease outbreaks. ‘SAF’ refers to the Sudan Armed Forces.

This study considers incidents that include various armed actors throughout South Sudan as well as some from Sudan, and other groups that cross international borders and engage in violent activities inside South Sudan. These include: SAF, rebel militia groups (RMG), as well as several other external actors such as Lord Resistance Army (LRA), the Uganda People’s Defense Force (UPDF), and UNISFA.

Incident analysis

The number and percentage of South Sudan’s incident characteristics, which are not mutually exclusive, are presented in Table 3. A little over half (51.40%) of the incidents were inter-ethnic, 40.21 percent were cattle-related, 26.46 percent were due to other armed groups, 21.68 percent were due to security forces clashes, 18.41 percent were civilian-related, 17.83

percent were due to rebel activities, 15.85 percent were due to activities of the SPLA, 11.31 percent were intra-ethnic, 8.62 percent unknown forces, 5.94 percent naturally occurring incidents, 5.71 percent due to activities of the SAF, and all other actors accounted for the remaining 12.35 percent.

*Table 3: Number and percentage of each incident characteristic**

Incident characteristics	Number of incidents	Percent (%)
Inter-ethnic	441	51.40
Cattle-related	345	40.21
Other armed	227	26.46
Security forces clash	186	21.68
Civilian	158	18.41
Rebel	153	17.83
SPLA	136	15.85
Intra-ethnic	97	11.31
Unknown	74	8.62
Natural	51	5.94
SAF	49	5.71
Other	106	12.35

Source: UN OCHA 2012. Incident characteristics are not mutually exclusive (i.e., percentage will not sum to 100); for more information on the full methodology, refer to Zambakari 2012a. * Number of incidents = 858

Table 4 presents frequencies and percent distribution of incidents resulting in deaths. A higher number of incidents was associated with a higher proportion of documented deaths. The correlation between the state and total number of incidents per state and percentage of documented death was .51 (N = 10 States). If one removes the data for Jonglei, given its high number of incidents (outlier), correlation jumps to .77. In examining the states, the higher the number of incidents, the greater the likelihood that death of a person was registered. Table 4 shows the remaining breakdown for all states in South Sudan.

Table 4: Frequency and percent distribution of incidents resulting in deaths reported by state

State	No documented deaths		Documented deaths		Total number of incidents
	Number of incidents	Row (%)	Number of incidents	Row (%)	
Warrap	18	28.13	46	71.88	64
Lakes	37	33.94	72	66.06	109
Jonglei	120	35.40	219	64.60	339
Western Equatoria	23	41.07	33	58.93	56
Unity	46	42.20	63	57.80	109
Eastern Equatoria	24	42.86	32	57.14	56
Upper Nile	27	49.09	28	50.91	55
Western Bahr el Ghazal	13	68.42	6	31.58	19
Central Equatoria	23	71.88	9	28.13	32
Northern Bahr el Ghazal	15	78.95	4	21.05	19
Total	346	40.33	512	59.67	858

Note: Compiled by the author, based on UN OCHA 2012.

Table 5 tabulates the ratio of person(s) killed to the number of incidents. This ratio provides information about the severity or deadliness of incidents by state. The states with the highest ratio of persons killed to number of incidents were: Warrap (12.05), Unity (6.92), Upper Nile (6.85), Jonglei (5.89), and Lakes (4.31). This table focuses on those states most affected by violence; the states with high ratios are also those that border Sudan. While the numbers of incidents were higher in Jonglei, Warrap had the highest ratio of persons killed to incident, where 12.05 people were killed per incident was twice as high than that of Jonglei's ratio (5.89). Collectively, the States of Warrap, Unity, Upper Nile, Jonglei, and Lakes accounted for

93.75 % of deaths in South Sudan between 2009 and 2011. Table 5 presents the remaining breakdown of ratios for all states in South Sudan.

Table 5. Ratio of person(s) killed to number of incidents

State	Number of incidents	Total killed	Ratio of persons killed to incidents
Warrap	64	771	12.05
Unity	109	754	6.92
Upper Nile	55	377	6.85
Jonglei	339	1,996	5.89
Lakes	109	470	4.31
Western Equatoria	56	119	2.13
Western Bahr el Ghazal	19	31	1.63
Eastern Equatoria	56	83	1.48
Northern Bahr el Ghazal	19	28	1.47
Central Equatoria	32	30	0.94
Total	858	4,659	5.43

Note: Compiled by the author on the basis of UN OCHA 2012.

The statistics on mortality resulting from violent incidents in South Sudan reveal that the Border States have remained the states with the highest death rates caused by violent incidents. These states had been at the front of the liberation wars in South Sudan (Jok and Hutchinson 1999; Young 2003). Estimates from the Small Arms Survey indicate that there were 2.7 million small arms and light weapons (SALW) in circulation and in civilian possession in the Sudan and South Sudan some years after the CPA (Small Arms Survey 2009, 8). Among those, 720,000 were in the hands of civilians in South Sudan, marking a high degree of militarization of the society. Moreover, the society is politicized, as various governments in Sudan armed different militias to fight against the SPLA in the South. In these states, one of the biggest challenges has been how to demilitarize, demobilize, and reintegrate former combatants, and how to stop the proliferation of arms and rebel groups while engaging in nation-building

at the same time. Only a small percentage of the estimated 90,000 ex-combatants were disarmed, demobilized, and reintegrated (Small Arms Survey 2011, 2). Further, the area affords easy access to light weapons, magnifying the deadliness of each encounter. The following quotation highlights the factors and issues driving the violence in South Sudan.

The surge in inter-communal violence involving young people is not a standalone act. It is driven by issues such as access to pasture, water, and cattle grazing in the Greater Upper Nile. In the Greater Bahr el Ghazal and in Equatoria, the issues include access to land and concerns for ethnic homeland. In all three places, people suffer from: lack of access to basic services, lack of economic development, denied rights to citizenship, the inability of the state to provide security, and the lack of law enforcement (Zambakari 2013a).

In the states with strong pastoral communities and cattle-based economies such as Jonglei, Unity, Warrap, Lakes, and Upper Nile, incidents of cattle raiding have been widespread and have led to the deaths of thousands of people (Zambakari 2013a). This study found that 40.21 percent of these incidents were cattle related, second only to inter-ethnic violence.

Violence and development

There is a relationship between the states most affected by violence in South Sudan and the state of development or lack thereof. The challenges of development facing South Sudan include at least these: the “absence of good infrastructure and skilled labor, heavy dependency on oil revenues, and growing corruption” (Dagne 2011, 14). Unemployment, illiteracy, extreme poverty affecting predominantly women and youth are exacerbated by the inflow of returning refugees and internally displaced persons. Moreover, institutions are weak and hence, the government of South Sudan has been unable to provide security, law and order in many parts of the country. This inability bred mistrust among the population, compelled many communities to lose faith in the government, and in some cases incentivized communities to arm themselves in self-defense. The five states that account for most of the violence in South Sudan: Jonglei, Unity, Lakes, Upper Nile, and Warrap. Lack of development, absence of

basic infrastructure, and access to basic services were contributing factors to instability (ICG 2011, 9; Small Arms Survey 2012a, 1).

Jonglei, South Sudan's biggest state, is home to three dominant groups: Dinka, Lou and Jikany Nuer, and Murle. These three groups drive the cycle of violence in Jonglei State (ICG 2009, 2–7). As shown in Tables 4 and 5, the number of incidents between 2009 and 2011 exceeded the number of incidents that occurred in other states. With a total number of incidents of 339 (39.51%), 120 (35.40) incidents did not result in death whereas 219 (64.60%) of incidents did result in the death of at least one person. In many Southern States, cattle represent a vital source of livelihood and symbol of prestige. While cattle raiding is not a new phenomenon, the technology used for raids and the intensity of the violence has changed since the CPA was signed, as the following statement confirms:

What is more easily substantiated is that the nature of the violence associated with cattle-raiding has changed. For one, the proliferation of guns makes raiding easier and more violent. With the availability of guns, smaller numbers of people can execute a large cattle raid; before the arms proliferation, victory was based on male strength (Allen and Schomerus 2010, 54).

The deadliness of inter-communal engagements and cattle raid has been greatly enhanced by the easy access to small arms and light weapons (Small Arms Survey 2009, 8). The failed attempts to disarm, demilitarize, and reintegrate former combatants has ensured that more weapons are circulating in the civilian population and outside of the law.

The issues between the Dinka, Lou and Jikany Nuer, and Murle in Jonglei range from historical animosity to cycles of cattle raiding, revenge attacks, and disputes over resources, grazing land, and participation in local governance. Of the three groups, the Murle have been the most marginalized politically, economically, and socially (Small Arms Survey 2012a, 6). This has created an incentive to turn to an armed struggle to assert the claims and place of the ethnic group within Jonglei. Both the Nuer and the Dinka have adequate representation in local governments and at the federal level in Juba, whereas the Murle have no such representation. Grievances and lack of representation, protection, access to basic services and resources for both Lou Nuer and Murle youth, in addition to lack of basic rule of law and security, accounted for the violence in Jonglei, as the following quotation shows:

Government is inaccessible and does not address their basic needs. Moreover, adequate state security is lacking throughout most of the state. The South Sudan Police Service (SSPS) does not have enough personnel to defend against armed youths. It also has no capacity to enforce the rule of law and cannot—and to some extent simply will not—arrest perpetrators (ibid, 6).

The failure to effectively disarm and demobilize former combatants, militias, and armed youth, and to curb the proliferation of SALW from the region, has exacerbated an already volatile situation in Jonglei and neighboring states. Whereas in the states of Greater Upper Nile the leading cause of incidents was cattle raid, the problems in the Greater Bahr el Ghazal and Equatoria were access to land, participation in governance, as well as politics of exclusion of certain members of society on a collective basis.

Ethnic administrative division as drivers of violence²²

The case of Eastern Equatoria State (EES) is most suited for an illustration of the tendency for a proliferation of states, counties, and homelands. Before May 2004, EES had two main districts: Torit and Kapoeta. The SPLM/A passed a decree announcing the formation of new counties in Equatoria Region. Kapoeta, home to the Toposa and Didinga, was the first to subdivide into three counties: North (Didinga), South (Buya), and Eastern (Toposa/ Nyangatom). Torit subdivided into three more counties: Magwi (Acholi and Madi), Ikotos (Dongotona and Lango) and Lafon/ Lopa (Lopit and Pari) (Allen and Schomerus 2010, 42–43).

In 2013, EES has eight counties, and this number may still increase. The trend is to have the capital of a county located in the dominant ethnic group's homeland, which gives the ethnic group both political representation and access to resources. The most important resource is land. The representatives in the state and national government are recruited from home areas. Hence, the division into counties is not arbitrary or accidental but reflects the reality on the ground, local and national politics above, and real grievances at the local level. This comprises political and economic marginalization of a large sector of the population, lack of services, increased dowry demands, competition over land, and an overall climate of insecurity.

²² See also Zambakari 2013b. For a detailed analysis of the proliferation of ethnic homelands in Eastern Equatoria State and elsewhere in South Sudan, refer to Schomerus and Allen 2010; Zambakari 2012a.

The plight of those returning from Sudan and neighboring countries is another source of tension at the national and local levels. Land is an important source of livelihood for returnees, IDPs, and refugees from Sudan. The Internal Displacement Monitoring Centre and the Norwegian Refugee Council (2011, 3) noted that:

Returnees are only allocated residential plots, but for their livelihoods they would also need agricultural land; however this is not being demarcated. The returnees have generally been told that they can cultivate any available land that they find. However, some returnees told IDMC that they would need permission from the local chiefs to acquire agricultural land; this would not be easy for those who were not returning to their original village.

Will returnees, IDPs, refugees, and migrants be content to be confined to already demarcated states with respective counties, or will they also fight to have their own counties? If the right to land and political representation follows an ethnic system whereby everyone has a homeland what happens to immigrants who have neither a homeland in South Sudan, nor representation in the form of a Native Authority?

Government response has been mixed. It has fluctuated between non-interference for fear of alienating certain ethnic groups in Western Equatoria State to outright forceful displacement in parts of Eastern Equatoria State. The government has guaranteed land for all returnees and has showed support for refugees from Sudan. According to the International Rescue Committee, one of the largest organizations currently providing aid and assistance to more than 700,000 people in Central Equatoria, Northern Bahr el Ghazal, Unity and Lake states, the legal framework governing access to land and ownership of property is unclear and poorly understood by many in South Sudan (IRC 2013). There are still many people stranded throughout Sudan and along the North South border that are awaiting return assistance and resettlement in South Sudan. Without resolving the legal tension between individual right to land running parallel to communal land ownership, without developing the capacity of federal and state institutions to manage the population of returnees, IDPs, refugees, and without reforming the customary land tenure system, there will continue to be competition and instability over land in South Sudan.

Conclusion

This study has identified a combination of issues, interacting with each other at the macro, meso, and micro levels to create the violent outcomes: power struggles from above, resource struggles from below, a proliferation of small arms and rebel movements, contested citizenship, the right to belong, and lack of development.

The paper presented characteristics of violence, frequencies and percent distribution of incidents resulting in deaths, and tabulated the ratio of person(s) killed to number of incidents in the ten states of South Sudan. Drivers of violence in South Sudan are incidents within and between communities and the military between the two Sudans. The inability of the government of the Republic of South Sudan to provide security, law and order in many parts of its territories, and finally the activities of the government of Sudan along the border and inside of South Sudan has exacerbated these conditions. Further drivers of violence are borders (trespass and migration), ideologies of identity (inclusion and exclusion, belonging and demand for ethnic homelands), power and resource struggle and inadequate justice mechanisms. Whereas in the states of Greater Upper Nile the leading cause of incidents was cattle raid, the problem in the Greater Bahr el Ghazal and Equatoria were access to land and participation in governance. Everywhere in South Sudan, the inability of the state to provide security and the lack of law enforcement poses existential threats to the nascent republic.

The study found that the higher number of incidents was associated with a higher proportion of documented deaths. In assessing the intensity of the violence, the states with the highest ratio of persons killed to number of incidents were: Warrap, Unity, Upper Nile, Jonglei, and Lakes. The crisis in Eastern Equatoria, Jonglei, and the states in the Greater Bahr El Ghazal about ethnic homeland is a warning. Unless South Sudan finds a model that brings its diverse nationalities into an inclusive framework of a nation, it will continue to experience increasing violent incidents, deaths and forced displacement of civilians. Excluded communities and armed groups will find no alternative but to resort to violence to make their voices heard. Without resolving the many issues that produce incidents with violent outcomes, South Sudan will be plagued by the same problems seen in Sudan and many other countries in East Africa, and democracy will once again become illusive.

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Gold mining concessions in Sudan's written laws, and practices of gold extraction in the Nuba Mountains

Enrico Ille and Sandra Calkins

Gold mining has boomed in Sudan in recent years but there is a discrepancy between how people understand and organize gold extraction and how the Sudanese government evaluates their activities through its legal and institutional processes. This paper draws attention to tensions between the written code of the law and practices of gold extraction thus differentiating between legality, i.e. the adherence to the statutes of a particular law, and legitimacy, i.e. the belief in the exemplary and binding nature of certain rules. These can be derived from established practices that are accepted by all parties.

The paper is structured as follows: After a brief terminological clarification, the stipulations of the current Mineral Resource and Mining Development Act (MRMDA) of 2007 are analyzed in the context of resource governance. We will identify some deeply entrenched mechanisms in gold extraction by tracing the development of gold mining in the Nuba Mountains. The paper concludes that an analysis of the discrepancy between laws and practices can open a new perspective on resource governance in Sudan. This discrepancy is crucial as it also explains in part politico-economic struggles and armed conflicts in the Nuba Mountains and in other parts of Sudan.

Resource governance: Laws and practices

In this section, the legal and political contexts of gold mining concessions in Sudan are examined. For this purpose, it is suggested to draw a distinction between the 'juridical' and Weberian 'sociological' perspective (1922/2010). The former is concerned with legality, the implied warranty that an act strictly adheres to the statutes of a particular jurisdiction, namely written laws. The latter is concerned with legitimacy, that is, what really happens when those participating in social actions see legal orders as valid and seek to put them into practice (Weber 1922/2010, 19).

Whereas Weber develops this distinction within a wider terminological discussion of ‘law’, ‘economy’ and ‘society’, we draw attention mainly to its political implications. Weber’s criticism of legal theory considers codified, written laws as a sufficient indicator of a society’s legal order. Rather than taking laws at face value, he advocates an empirical—sociological—investigation of how actions and social institutions enforce legal orders. Inspired by Weber’s distinction, this paper asserts that the instability of Sudan’s orders of governance is also partly due to the gap between officially prescribed legal norms and legal orders that individuals consider valid. This gap, the difference between legality and legitimacy, is translated into the observational distinction between the logic of written laws and people’s practices.

This distinction is employed to juxtapose a specific law, namely the Sudanese Mineral Resources and Mining Development Act (2007), and the historically rooted practices of gold extraction in the Nuba Mountains. One hypothesis is that people’s practices are only loosely related to legal codes. This insight is not new. However, the case analysis shows that not only does this hold true for ‘local customs’ or ‘local’ ways of resisting ‘the state’s’ legal system, but also for the very practices of politicians and officials.

This paper invites reflections on the various, often opaque rationale and practices governing resource exploitation in northern Sudan.

The Mineral Resources and Mining Development Act

For a long time, mining has been more or less neglected in Sudan’s oil-centered economy. In 2012, the government announced that it earned US \$2.2 billion from gold exports; significant revenues but still a far cry from the around US \$5 billion from oil revenues (Sudan Tribune 2013, Reuters 2012). Shortly before the secession of South Sudan, which transferred most oil into the hands of the South Sudanese government, Sudan’s government tried to diversify sources of revenue by signing dozens of concession agreements with international investors in gold mining. In September 2012, the government also opened the first gold refinery in Sudan to produce higher quality gold for sale on international markets (Sudan Tribune 2013). Simultaneously, roughly from 2008 onward, artisanal mining blossomed and spread in northern Sudan—at times seriously competing with industrial mining for the choicest gold ores (Calkins and Ille, forthcoming).

In literature on gold mining in Africa, ‘artisanal’ and ‘small-scale’ mining usually refer to the same extractive technologies and forms of social organization. The main difference pertains to the legality of mining activities: ‘artisanal’ mining often conjures up ideas of illegality and informality, whereas ‘small-scale’ denotes licensed activities (Hilson 2010, 305–306). The following section demonstrates how recent legislation sought to transform the mining sector away from ‘artisanal’ activities to licensed government-controlled activities.

In January 2007, the National Assembly passed the Mineral Resources and Mining Development Act (MRMDA)²³, replacing the Mines and Quarries Act of 1972.²⁴ It created a legal framework in which an entity, ‘the state’, is represented by a national government and a limited number of subordinated organs. The Ministry of Energy and Mining is the most relevant authority for mineral extraction. The Act considers a state territory as exclusive property, which can be legally transformed—that is, it can be parceled, delineated, and made amenable for various economic purposes. Consequently, the license and the mining contract are important tools in stabilizing relationships between the government, land, underground resources, land users, and investors in mining.

The MRMDA defines basic terms, such as ‘mining materials’ (MRMDA 2007, §3) which grants the government the ability to decree, which substances (materials) are resources for exploitation. It does so by providing a list of materials distinct from non-mining materials, such as petroleum. It also clarifies the government perspective of mining: Mining is the act of searching and extracting these materials “for commercial purposes” (ibid.). The latest amendment from 2010 additionally introduces a narrow definition of artisanal gold mining: It prohibits the use of technologies (electrical drills, mechanical mills) and heavy machines (excavators with belt loaders). Artisanal mining may also not exceed depths of ten meters and is limited to designated sites, which do

²³ Basis of the following analysis is the English translation of the law by the Translation & Arabization Unit of the University of Khartoum. This version is the one made available by the Ministry of Mining on its website.

²⁴ The 1972 Mines and Quarries Act repealed the Mines and Quarries Ordinance 1950. The act of 1972 had been complemented by the 1973 Mines and Quarries Regulations, and the MRMDA was amended by several regulations, standard forms and guidelines, such as the 2010 Organization of Artisanal Mining Regulation, standard forms for Memoranda of Understanding as preparation of a concession, Final Concession Agreements, and the Procedures for the Acquisition of Exploration and Mining Rights in an Area.

not interfere with licenses allotted to investors (Organization of Artisanal Mining Regulation 2010, §2).

This contradicts how artisanal mining is practiced by thousands of people. What is more, Section Two of the MRMDA places mining materials under the exclusive control of the national government, whether “on the surface [sic!] or underneath the earth; in the regional waters or in its continental shelf” (MRMDA 2007, §4).

The ownership of land hence does not include the ownership of mining materials. They can only be acquired through licenses, contracts, and concessions. The state’s juridical institutions preserve and guard this arrangement.

The government’s claim to the ownership of all mineral resources relates to a series of land acts (Komey 2010, 52–70). A major turning point was the Unregistered Land Act of 1970. While previous laws, such as the 1899 Land Ordinance and 1925 Land Settlement and Registration Ordinance, recognized non-state, non-registered land claims, the 1970 Act and the subsequent legislation (Civil Transaction Act 1984, amended 1991 and 1993) annulled collective claims to land property, stripping them of their legality. What is more, the 1984 Act instituted God as primary reference, represented by the Islamic state, from which it supposedly gains its legitimacy.

The MRMDA details the various steps, procedures and authorities involved in licensing and exploiting minerals. It allows the minister of energy and mining to “conclude special agreements with any company, by which it is granted concessions for exploration of any minerals” (MRDMDA 2007, §8.2). The commercial sector, mainly comprising transnational corporations in mining, is established as a separate legal space. It is only regulated by the minister and is not delegated to lower levels in the hierarchy, a move that leads to the opacity and inscrutability of such mining deals.

In contrast, mining without license is threatened in paragraph 24 with imprisonment, fines, and confiscation of any material and profit. This policy results in increased criminalization of artisanal gold mining, narrowing the window for legal small-scale gold production. In the following, the practices through which the access to gold was acquired in different periods in the Nuba Mountains is in the focus, and not the ideals expressed in laws.

Gold extraction in the Nuba Mountains up to the 20th century

Gold resources in the Nuba Mountains are presently only of small supra-regional interest. Although the region is regularly mentioned in information outlets for potential investors, it is not part of the government's focus areas. Official concessions maps do not even show the region, but concentrate on the area between the Red Sea and the Nile (Calkins and Ille, forthcoming). However, the history of the Nuba Mountains has been marked by contests and attempts of military domination, which aimed at extracting valuable resources from the region—sidelining resident populations (Ille 2011; Manger 2013). This section argues that present-day practices and attitudes of ruling classes towards resident are rooted in a long history of quests for domination for exploitation.

According to Yusuf Fadl Hasan, from the beginning of contacts in the 9th century, Arab invaders saw the Sudan as a site for the exploitation of resources and slaves. Thus gold mining boomed in the 9th century, driven mainly by Arab adventurers seeking to free themselves of government control of the Abbasid Caliphate, wandering southwards into the territory of Beja in the Red Sea Hills (Hasan 1973/ 2005, 56). Soon the caliph sought to formalize access to the area by a treaty (*ibid.*, 38–39), which contained a clause denying “the Beja access to (...) one of the main mining centres” (*ibid.*, 41). Immigrant miners, often with a military background, worked in the territories defined and “legalized” by written concessions. Mobile groups contested the legitimacy of such a concession by moving across and mining in them, while the resident population tried to fend off the intruders into their lands. Military forces prevailed in these contests and another treaty was signed. Gold mining soared for nearly a century, spearheaded by private entrepreneurs using slave labor (*ibid.*, 58).

In this surge of gold mining, the Nuba Mountains served mainly as a source of workforce. In later centuries minerals were also explored there. Between the 16th and the 18th century, parts of the region were linked to kingdoms such as Funj and Darfur (Spaulding 1987, 370). Northern Kordofan blossomed in economic terms under the rule of Darfur and the gold and silver trade boomed.

Who dominated this trade is subject to historical debates (Ille 2011, 36–52). According to some accounts, traders had begun to immigrate into Tagali, a kingdom in the eastern Nuba Mountains, which dominated the

gold trade of Shaybun, after the Sinnar Sultanate had extended its influence there in the mid-17th century. The kingdom Tagali promoted the supra-regional commodification of gold: It demanded gold as tax, later as tribute, which indicates that gold mining was practiced at that time (Bell 1937, 127–128).

A different perspective on this period holds that private businesses created a flourishing regional economy, where food was traded for slaves who were sold to supra-regional traders. The presence of warriors and traders resulted in the establishment of military authorities and subsequently in the collection of road tolls (Ewald 1990, 48). Shaybun appears as an independent “highland market” (Ewald 1985, 57). Trade with cotton products from Tagali was less important than trade with gold, slaves, and ivory, which also expanded into the southern regions of Shilluk and Dinka. Road tolls were used by “masters of the path” (Ewald 1990, 48) to support individual traders and disadvantage competitors, but also to control traders more generally. Marriage policy, according to which traders had to leave their children from intermarriages behind, secured this dominance (Pallme 1843/ 2002, 121).

The invasion of the Ottoman military in 1821 brought about significant changes when they seized Kordofan. The violence of the Ottoman invaders broke up previous trading arrangements. They sought to set up a trading monopoly but failed to do so, causing destruction along their way. One example is the slave hunt initiated by Turkish soldiers that culminated in the destruction of Shaybun market in 1836, when they realized that it was impossible “to maintain a permanent station” (Ewald 1990, 59). In the late 18th century, far-distance trade, which connected Central Africa and the Arab world, had still transported the image of Kordofan as a land rich in gold to distant regions. Throughout the 19th century, the fame of Shaybun gold still drew prospectors, resulting in several commercial, military, and scientific expeditions to the mountain, even after the gold trade had declined due to the concurrent hunt for slaves.

These earlier attempts at centralizing the accumulation of valuables yield insights that can be used for present debates on the justice of resource exploitation. They enable the identification of a long-standing pattern of ‘foreign’ claims to valuable materials in Sudan. These were and still often are met with resistance from the grassroots. Furthermore, invaders and residents alike back their claims with violence. Connected to the

extractive politics of the Ottoman Empire, globally ‘exchangeable’ taxes, mostly gold and slaves, were levied. European experts attempted—though unsuccessfully—to establish a mining industry under state control, and several teams of engineers were recruited by Muhammad Ali Pasha to produce greater quantities of gold, but with only small outcomes (Hill and Santi 1980, 52–73).

An Austrian geologist who came to Shaybun to initiate exploitation of gold resources, condemned the brutality and the falseness of “the Arabs” (Russegger 1838, 217). Near the Tira mountains, he found a region full of flourishing vegetation, and noted that especially the slopes of Jabal Dahab [gold mountain] were “astonishingly inhabited” by at least 6,000 people (ibid. 1844, 200, translation by authors). Violence erupted frequently between various competing miners (ibid., 312). Cynically, the geologist complained about the inhabitants’ distrust, while he unconditionally supported the Turko–Egyptian government in gaining control of gold extraction.

Several extractive practices subverted the Ottoman claims and local inhabitants hid gold to avoid taxes or confiscation (Brehm 1855, 305). Yet Ottoman officials and officers also used the gold trade to fill their own pockets. They sabotaged the survey and would probably have done the same with governmental mining. Travel reports from that time indicate that the extraction of gold by individuals was in competition and conflict with territorial claims of regimes who were trying to centralize control over resources. The same still applies today.

Concessions and the latest gold rush

During British colonial rule, formal concessions for gold mining were introduced. The Egyptian Sudan Exploration Company received permission to search for gold in the Nuba Mountains. However, expectations stirred by historical narratives were disappointed by geological surveys, and mining was never initiated (Bell 1937, 135).

In 1921, a geologist employed by the British colonial government suggested that “[t]he quantity of gold is small”, but that “the native could make what he considers a sufficient profit for a day’s work” (Dunn 1921, 145). An administrative but nevertheless paternalistic tendency is obvious: The European governmental expert ‘discovers the true situation’. Only

after the availability of resources has been classified as insufficient for—European—governmental processing, does he plan for “natives” and their needs. This way of thinking presumes the unconditional right of a central government to decide over highly valued raw materials and to relegate ‘leftovers’ to the local population. The claim of local populations to control and use “their” own lands and resources poses a challenge to this. In this sense, British colonial rule did not only continue but emphasized the formalization of gold mining procedures by awarding concessions and creating legal claims.

Doubt about legitimacy—not legality—continues to lie at the heart of contests for natural resources. Until recently, the Nuba Mountains have played no major role in northern Sudan’s mining economy. But a publication of the Centre for Strategic Studies in Khartoum about minerals in the Sudan reckoned with promising gold reserves (Mageed 1998, 235–238). A brochure on gold in Sudan, published by the Ministry of Energy and Mining in 1997, concluded that the Nuba Mountains deserve further investigation.

In recent years, the Nuba Mountains have been reinstated in the list of prospective sources of gold, with other materials, like uranium, becoming attractive, too (IBP 2012, 160). Recently, the former Canadian company La Mancha Resources Inc. has acquired a 70 percent-owned polymetallic exploration concession of 5,960 km² in the northeastern Nuba Mountains around Tumluk. According to the company, this area “is interpreted to be the southwestern extension of the highly-prospective Nubian shield, host of La Mancha’s 40 percent-owned Hassai mine in Sudan and Nevsun Resources’ Bisha mine in Eritrea” (La Mancha 2010; see also Yager 2010, 38.1). The concession was not mentioned in the 2011 Annual Report (La Mancha 2012). Yet, in its related press release, the company mentioned ores with much higher gold grades than announced in the 1997 brochure, suggesting further research and exploration activities (cf. Kujjo 2010).

Meanwhile, artisanal and small-scale mining in the Nuba Mountains is on the rise. In the eastern town of Abu Jibayha, large numbers of gold miners—some of them refugees employed by residents in their mines (Radio Tamazuj 2012)—have been active in spite of the widespread violence since June 2011,. Around the southern town of Talodi, one of the most war-affected areas, gold mining continued unabated. Al-Liri near Talodi has been a site of gold extraction at least since mid-2010 (Sudan

Vision Daily 2012). The population in Miri Barra, some kilometers northeast of Kadugli, grew from about 500 to about 3,000 in four months in 2011 (Farkas 2011, 4-5).

Details of the practices of gold extraction in this area are still difficult to gather, not least due to the ongoing violence in the Nuba Mountains (Rottenburg et al. 2011; Gramizzi and Tubiana 2013). Ethnographic evidence from other parts of Sudan raises the suspicion that artisanal miners across Sudan are often unaware of or unconcerned about the bureaucratic intricacies set out by the legal act (Calkins and Ille, forthcoming; Calkins 2012). They work without licenses, they use heavy machines and various technologies, such as electrical drills, mechanical mills, and excavators, they dig as deep as they can—often dozens of meters—and pay no heed to the concessions of companies.

Government attempts to control these practices are obviously increasing. Using miners' safety and national economic interests as an argument, a ministry geologist claimed that "regulation was needed to benefit gold-producing states and curb gold smuggling, as well as enhance workers' protection and rights" (Farkas 2011, 4). In this understanding, the governmental control of the sector, both through regulation and taxation, would enhance federal net revenue and reduce damages to health and the environment. Similarly, the governmental news outlet Sudan Vision Daily quoted the commissioner of Talodi who attributed a collapse of a gold mine in April 2012 with several deaths to "the negligence of the citizens to the directives of Mineral Ministry [sic] in not digging more than ten meters" (Sudan Vision Daily 2012).

Members of the Sudanese government thus argued that artisanal miners could benefit from being reconstituted as licensed small-scale miners by abiding to governmental regulations that render the work and environment safer. It has henceforth criminalized artisanal mining and miners.

Implications and complications

A critical analysis has to take account of the relation between the legality of Sudan's legislative and political orders and their legitimacy. The historical motivation of foreign powers to exploit resources is entrenched in governmental structures and understandings, which still are at the core of present conflicts. After independence of South Sudan, the Sudanese

government attempted to increase control of the extractive industry and artisanal mining in view of the loss of its previously central source of revenue—oil.

Earlier mining acts and the MRMDA are strongly oriented towards regulating the relation between the country's natural resources and those extracting them for commercial purposes. Hence, these acts privilege the industrial mining sector, providing a very narrow definition of artisanal gold mining which results in a criminalization of most existing practices. The crux of the present legal arrangements seems to be the question how state resources can be regulated for the benefit of the citizens. The political history of Sudan shows that—in absence of effective checks-and-balances—its citizens have to be protected from the state and its government rather than being rendered 'safe' by it.

The MRMDA pertains to all of Sudan. Yet, it perpetuates the long history of communities that are marginalized through centralized and commercially oriented resource extraction. Its recent political history is full of examples in which residents' livelihoods were destroyed through war with the government and the expropriation of small-scale cultivators and pastoralists through centralized economic investment without local benefits, backed by the government's legal system (Komey 2008; 2010; Alden Wily 2010; Gertel et al., forthcoming). The systematic marginalization of residents and the depletion of resources from the Nuba Mountains—albeit under changing systems of government (Komey 2004; 2009)—have triggered and still trigger resistance: often with weapons. These resistance movements do not specifically challenge the legality of the government's practices, but fundamentally question their legitimacy.

In view of this, the differentiation between legality and legitimacy is more than a mere conceptual consideration. What Weber distinguished when he formulated his concept of an interpretative sociology (*verstehende Soziologie*) can also be considered as a call to question the surface of legal systems that gloss over and obscure harshly contested machineries of domination. The 'letter of the law' is a communicative medium, which establishes a frame of reference for negotiations, such as mining concessions. The resulting practices, while legal, may simultaneously be 'illegitimate' if we take the moral understandings, concerns and well-being of citizens as reference. Therefore, the wide gap between the assumptions contained in Sudan's written laws and practices that express other moral

ideas indicates that these legal codes can at best be weak indicators of social actions. A careful distinction of legality and legitimacy provides a more critical approach to claims that are based on written legal references.

Conclusion

The recent surge of gold mining in Sudan has initiated reflections on the morality of resource extraction and governance. The distinction between legality and legitimacy, derived from Max Weber's distinction of law and legal order, was the conceptual framework for such. It challenges the assumptions inscribed into legal acts, the entire juridical apparatus, and the power relations they seek to establish and maintain. Based on this framework, the paper highlighted the vast differences and conflicts between codified legal understandings and people's practices.

The study showed that gold mining is not only flourishing in the industrial, foreign-investment sector, but also that artisanal gold mining has increased unabated. The mining activities give rise to many probing questions regarding the morality of concession agreements which deprive rural populations of 'their' ancestral land, the role of the state as arbiter between global capital flows and national territories, whether and how other ideas of justice can be accommodated in extractive endeavors. A reference to legality alone cannot provide sufficient answers. The notion of legitimacy is attuned to people's lived experiences, their understandings of 'what is' and 'what ought to be' and therewith embraces broader understandings of an entitlement to natural resources, non-capitalist conceptions of space and matter, as well as competing ideas of social justice where local populations should receive benefits from wealth on 'their' land.

The history of gold exploration in the Nuba Mountains tells of recurring contests over gold and other valuable minerals between residents and 'foreigners', the latter often connected to larger empires. The British colonizers had introduced new tools of governance to claim control of territories for gold extraction—namely contracts and concessions. A recurring structural feature is that these contractual agreements are signed between partners benefiting from existing power asymmetries and that they are undermined and challenged by 'local' arrangements—a situation that still applies today. The on-going violent contests over natural resources

show that Sudan is far from resource governance that sufficiently combines legality and legitimacy.

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Negotiations of power and responsibilities in Khartoum shantytowns

Mohamed A.G. Bakhit

About 13.5 percent of the total population of Sudan are currently living in the capital Khartoum (Republic of Sudan. Central Bureau of Statistics 2009). Migrants have come from all parts of Sudan, due to its concentration of services and economic growth (Assal 2006, 10). The first waves of migrants arrived in the capital between 1960 and 1970. These were economic migrants, and the majority originated from the northern parts of the country, searching for employment in the newly established commercial and industrial sectors in the capital. The majority were educated, only 23 percent of all migrants to Khartoum aged 20 to 24 years in 1971 lacked any form of education (Galal-al-Din 1980). These migrants chose to live at the periphery, or in small villages near the city's boundaries, until these were gradually swallowed up by the urban area. A small number of migrants also came from areas in western and southern Sudan (between five and eight percent) to work as unskilled workers, and they lived near the industrial zones in illegal squatter settlements. Later on the government, under pressure from local residents, evacuated them and planned new, legal fourth-class settlements on the outskirts of the city. These formed the nuclei of the present shantytowns (Abdalla 2008, 99).

The second wave of migrants arrived from 1980 to 2000, pushed by the civil war in the south and armed conflicts in Darfur, as well as drought and desertification in western Sudan. About two million people were displaced from their original areas and relocated in the capital city. These internally displaced people (IDPs) lived in different areas, some on any vacant land inside the city, others preferred to settle at the periphery of the city, near old legal shantytowns; but the majority inhabited squatter settlements. One study estimates the number of illegal squatter settlements in Khartoum in 1991 at more than 50 settlements, occupied by about 1.5 million IDPs (Banaga 2001, 40). While a recent study estimates that IDPs in Khartoum constitute between 18 and 23 percent of the total population (about 7 million), another report by UN-Habitat puts about 60 percent of the city's population as urban poor, from

diverse settlement backgrounds (10% IDP camps, 10% squatter areas, 50% upgraded areas) (Pantuliano et al. 2011, 4–5).

This paper investigates how social services and development programs in shantytown areas have been designed and implemented in a very specific way by three agents: the local settlers, non-governmental organizations (NGOs), and the local government. It examines in particular the perceptions and ideologies driving the selection of social services and who actually determines the priorities and takes on the responsibilities involved. The paper is based on field research in Elbaraka shantytown, located in the south-east of Khartoum, which serves as an example to uncover the complicated process of negotiation and the relations of power behind it.

Participant observation was the main method to collect the data, while the author stayed in a rented house in Quarter No. 2 from April to September 2010 and tried to follow the daily life, activities, events of different groups and individuals living in the area. Besides that, unstructured interviews and group discussions were conducted and video records, reports, photographs, genealogies, social networks diagrams, and non-academic literature were analyzed.

The paper starts off with a brief account of the concept of agency and power relations; it then looks at the historical development of Elbaraka shantytown, before it delves in the different perceptions and ideologies of the main three actors and the resulted priorities and actions. Finally, the paper illustrates the complex relations between those actors and concludes by offering some recommendations for future engagements.

Agency and power in shantytowns

Residents, local government, and NGOs provide shantytowns with the services and development programs people require. Each agent has its own unique character and specific ideology, and each one has had a specific course of historical development and resources. Therefore, they act differently to achieve their respective priorities. Clashes and disputes are likely to happen as unilateral successes and achievements occur. To avoid this, they opt to negotiate and share their power and responsibilities.

‘Agency’ in this paper stands for the “freedom of the contingently acting subject over and against the constraints that are thought to derive from enduring social structures” (Loyal and Barry 2001, 507–08). Human

beings have agency, i.e. they act independently of, and in opposition to, structural constraints, and thus are able to re-construct social structure through their freely chosen actions. This concept of an agent ties agency directly to power. “Acting against the constraints” (Loyal and Barry 2001, 507) pre-supposes being able to intervene in your community, or to refrain from such intervention, with the anticipated effect of influencing a specific process or state of affairs.

Many aspects of town planning in Africa have been shaped by ideology and not objective science or a genuine desire to promote development. Njoh (2009, 9) suggests four main ideologies: indigenous elitism (pre-colonial era–1884); European racism (colonial era, 1884–1960s); modernism (1960–1980s); and globalism (1990s–present), which affected town planning. With the exception of indigenous elitism, all the ideologies are alien to Africa (ibid. 2009, 17). Whereas modernism was reflected in highly subsidized public housing projects, globalism led to the withdrawal of the government and entering of international development agencies and NGOs. Mike Davis’s book *Planet of Slums* is one of the most important references for this process. It reviewed the most significant approaches and policies dealing with the three actors: slum population, governments, and the international donors. Davis’s argument starts with how the financial regulations the International Monetary Fund (IMF) and the World Bank imposed on developing countries led to agricultural deregulation and financial discipline, which in turn pushed huge numbers of rural labor to urban slums even as cities ceased to create new jobs. He blames the growing dependence of states upon international donors and international NGOs (INGOs), which indulged a sites-and-services provision of basic infrastructure to help rationalize and upgrade self-help housing. This approach was influenced by the ideas of the English architect John Turner who considered the people as experts of their own situations and held that they should be given the ‘freedom to build’ and design their neighborhoods according to their needs. The purpose was to make housing affordable to low-income households without payments of subsidies, in contrast to the heavily subsidized public housing approach. The international finance institutions pushed for this amidst great propaganda about “helping the poor help themselves” (Davis 2006, 75). According to Davis, this approach paved the way for a withdrawal of state and local government intervention from support for slum dwellers, putting them at the risk to market

fluctuations. At the same time, national elites used their power for creating patterns of land use and population density which recapitulated the older logic of colonial oppression and racial dominance. These postcolonial elites have inherited and greedily reproduced the physical footprints of segregated colonial cities and, despite the rhetoric of national liberation and social justice, they aggressively adapted the racial zoning of the colonial periods to defend their own class privileges and spatial exclusivity. The poor rural population replaced the former natives of the colonies (ibid. 2006, 96). Davis concludes his book by asserting that “the root cause of urban slumming seems to lie not in urban poverty but in urban wealth” (2006, 95–96).

Against this background, and enhanced by rapid urbanization, the position of local people in the shantytowns is very critical. They are the subjects of services and development projects, but still the agent responsible for providing them. Indeed, this double role is sometimes confusing even for local people themselves. Contributing to this is the existence of other agents also participating in this endeavor, sharing in the decision-making and the allocation of resources. Local people are often obliged to act in specific situations as decision-makers and as providers, when they depend upon their resources. Again in other situations, they are the recipients and dependents, when the government or NGOs design and provide the services and developmental projects in question. In order to understand the relations between the three agents and the provision of services and development programs, this paper explores the stages of development and change which have taken place in the Elbaraka shantytown in historical order.

Elbaraka shantytown

The first stage of Elbaraka squatter settlement extended from the late 1970s until the planning of the area in 1992. People lived on the basis of ethnic enclaves; every ethnic group had its neighborhood ruled by an ethnic group leader (*sultan*), some of them appointed by local people and approved by their chiefs in the areas of origin, others appointed by themselves or only by their close relatives. It depended on whether the system of the respective ethnic group was centralized, such as the Shilluk, or segmentary, like the Dinka (author’s interview with Sultan William, Elbaraka shantytown, Khartoum, 15/8/2010).

At that time, relations between ethnic enclaves were characterized by tensions and clashes, which were solved partially after the formation of a tribal leaders' council. This council also dealt with disputes between individuals of different ethnic backgrounds. Services and security were provided by NGOs and the people themselves. Many UN agencies, INGOs and NGOs worked in the area when it was a squatter settlement such as UNHCR, UNICEF, ADRA, Dawa Islamiyya, Save the Children, Sudanese Council of Churches, CRS, Care. Various INGOs provided health centers, water wells and food assistance. Security was organized by the people themselves, albeit in a rather chaotic way, which gave the area its reputation for criminality. Kartun Kassala—the former name of the area—was associated with drug dealing, illegal local alcohol distribution, prostitution, and theft. That might have been one reason for the eagerness of the local people to plan and legalize their settlement. To make matters worse, the government took on a destructive role in the squatter settlement, considering it an illegal form of settlement, and, indeed on several occasions, destroyed whole areas in pursuing what can be called its 'demolish-legalize' policy. This policy always tended toward legalizing some settlements by planning or upgrading them, usually in remote areas, and toward demolishing the squatter settlements located near the center, or in real estate areas of high value.

Planning

Initial contact between local people and the government was established during this phase, implying the government's recognition of shantytown settlers as part of the capital city. Local people agreed to participate effectively in the planning measures, because they had observed the benefit of planning in neighboring areas. This participation included the selection of experts (*ereef*), local individuals who helped the planning bureaucrats directly, and local committees who contributed by informing the whole community about the procedure of legalizing their homes. The bureaucratic procedures of legalizing land ownership included several steps such as registration, investigation, providing documents, and paying the fees (author's interviews with local inhabitants, Elbaraka, 2010). In fact, the procedures of gaining ownership of the houses during the legalization of settlements were very expensive and there were fees for registering the ownership of the house. It was not possible to exempt any owner of a house

from paying the fees unless by permission from the minister of urban planning, which was difficult to obtain (author's interview with Khamis, former local expert of the planning authority, 28/5/2010, Elbaraka). Still, it represented a first step towards integrating them in city life, a style of life characterized—as many expressed—by placing more trust in ‘paperwork’ than ‘informal (verbal) agreements’.

Prolonged negotiations took place between local committees and the government about how many families had the right to settle in the area, and consequently about the size of each house in the area. In the Sudanese context, houses usually are sizable with 200m² as minimum for formal housing due to hot weather, gender segregation, and the availability of plenty of land. In the various quarters, significant differences exist between the sizes of houses. Quarter No. 2 has the smallest allocated space per house (217 m²), because the majority of inhabitants were from the same ethnic group (Fur) and wanted as many people as possible to settle together, and not to be dispersed to other quarters. The planning authority obviously was concerned mainly with re-structuring the area to be more organized physically, meaning that in the negotiations they did not intervene on the makeup of the population or its distribution. Instead, they left all those issues in the hands of the local committees and the people, which gave the local population a sense of participation, and local committees the feeling of being decision-makers rather than merely recipients.

The planning stage lasted for about two years (1992–1994), during which local committees together with planning officials, assisted by experts, proposed new streets and new open spaces. This implied forcibly evacuating ‘non-eligible’ inhabitants and re-locating other eligible settlers to new houses. It was the first real interaction between the two agents, interaction that included negotiations and sharing of responsibilities; it was the first time the local people felt that their collective agency could make a difference.

The planning stage requires the inclusion of shantytown people in the formal city boundaries in official or legal terms; however it is clear that the balance of power remained in favor of the government. In effect, planning gave legality to shantytown settlements but preserved the status quo hierarchy of the urban setting. In fact, the planning stage gave the low status of shantytown settlers its legitimacy and institutional dimension as “fourth class areas” (Ahmad 1989, 53).

Planned settlement

When the planning stage was over, a new reality began to emerge. The local committees became the official representatives of local people, not only because of their role in planning, but also in providing the most needed services such as water and electricity. Conversely, the position of tribal leaders was weakened; it was restricted only to familial issues and even this depended on the acquiescence of the individuals.

In 2008, the population in Elbaraka stood at about 38,580 people (Republic of Sudan. Central Bureau of Statistics 2008), which represents about 75.5 percent of the total population of Elbaraka in 1993 according to the National Census of 1993 (Merghani 1998, 19–20). This decline is a direct result of the upgrading of the area since 1994. However, shantytowns are still the most densely populated areas in the capital city, largely because they generally accommodate more than one family per house as a result of the low-income jobs available to inhabitants. While statistics show that the average number of household in Elbaraka is 6.5 members (CARE and IOM 2003), actually sometimes three households share one house.

Whereas NGOs used to run development projects and services in shantytowns during the 1980s, after the deterioration of diplomatic relations between the Sudanese government and Western countries, the role of the NGOs diminished considerably as the government accused Western-based NGOs of implementing foreign agendas. This was largely a product of the Arabic-Islamic ideology of the government after the Islamic movement party took power in 1989. Remarkably, the first action initiated by the government after planning was to change the name of the area to ‘Elbaraka’, an Islamic name denoting ‘holy blessing’ in Arabic, generally used in religious contexts. This illustrates clearly the government’s vision for the area.

People meanwhile intensified relations with other shantytowns, especially the central market or the ‘core area’; impressive permanent houses appeared and shops were packed with diverse goods. A huge change came with the introduction of electricity in 2007 when people had their first taste of a different urban life with an enormous array of electronic devices becoming accessible. Before that people had used private generators for lighting at night.

All ten schools of the quarter were transferred into the management of the government, except for one that belonged to the Catholic Church.

Besides these, a growing number of private schools sprang up, run by the educated young generation. Other members of this young generation born and raised in the area started to engage in economic activities inside and outside the area, such as driving rickshaws. Meanwhile, large numbers of their peers were working in government institutions in the lower ranks, in the police service and the army. While some NGOs also continued their efforts in the field of healthcare, as there was no government-funded medical center in the area, some supported small developmental programs through local partners. They had permission to continue because they allied with the government, such as Islamic NGOs, or agreed to work with community-based organizations (CBOs) through local partners.

Different perceptions of services and responsibilities

The three agents (local people, government and UN agencies/ NGOs) differ in the manner and purpose in which they provide services to the shantytown's people. These differences are the result of the diverse perceptions and understandings of the character of local people and the nature of the area. Local people's perceptions and priorities toward services are heavily influenced by their backgrounds and ideology, specifically by their rural background and urban aspirations. At the same time, the government officials' perceptions arise from their middle class background and their living in other parts of the city, so their priorities diverge from those of the other two agents. NGOs' concerns are motivated by their Western experiences of humanitarian work, which influences their designs and funding of services and development projects.

The issue of government–local people relations in worldwide slums was the focus of an important report written by the UN agency for human settlement (UN Human Settlement Program 2003). In this first global assessment of slums, the global number of slum dwellers was projected to increase to about two billion by 2020. While there were only 924 million people in 2001 who lived in slums, about 43 percent of them were living in the developing world. The report praises governmental approaches to dealing with slums, describing them as a shift from negative policies such as forced eviction, neglect and involuntary resettlement, to more positive policies such as self-help and upgrading, facilitating and rights-based policies (ibid., xxv–xxvi). The report suggested that informal settlements,

where most of the urban poor in developing countries live, are increasingly seen by public decision-makers as places of opportunity, as “slums of hope” rather than “slums of despair” (ibid., xxvi) . Furthermore, the report stressed that to encounter the challenge of slums, urban development policies should address the issue of livelihoods of slum dwellers and urban poverty in general, thus going beyond traditional approaches that have tended to concentrate on improvement of housing, infrastructure and physical environmental conditions (ibid., xxvii).

Indeed, it is vital here to deal in detail with the respective background of each agent, to understand their ways of dealing with services, and to analyze their respective priorities.

Local people's perception of services

The perception of local people has been shaped by their desire to become a part of an urban community, and thus to have access to the same services as other parts of the city. Nonetheless, different social groups are settled in the shantytown which results in different perceptions that co-exist in this environment: There are traditional people of the first generation of immigrants, the second generation, and the educated middle class—who, in many cases, are those with a louder voice. One example of the clash between different groups of inhabitants of Elbaraka is the use of local alcohol (*marisa*) in the area by different ethnic groups, whether Muslims or Christians. The local beer is considered an integral part of social life and communal activities in different rural areas in Sudan (Manger 1987, 2). However, according to the standards of northern Sudanese urban middle class, the use of alcohol is against Islamic law and thus considered to be uncivilized behavior. Hence, the places known for making and drinking alcoholic beverages are frequently raided by the police. To be able to fulfill these needs originating in their rural life style, shantytown inhabitants are driven to live a life under threat of punishment and are accused by the others in the city of having less urban qualities. Apparently, many local people choose to use their agency by opting to fulfill their needs at the largest open space in their area. Every afternoon, these open spaces are used as temporal market places for alcohol and complementary products, such as roasted meat.

The middle class inhabitants assume that their view represents the whole area, especially because they tend to form the local committees. Yet, for other groups the desire for more urban services—with planning and electricity high on the agenda—is fundamental, as all of them have the intention to stay in the shantytowns at least for the foreseeable future. Planning is important for it gives them recognition and the legal ownership of their houses. Electricity is vital because it represents the visible difference between the rural and urban lifestyle in the sense that people cannot imagine living in an urban area without having electricity. Law and order, education and water are other topics that appear on the list of services for the people. Most of the resources at people's disposal had been directed toward the demand for legal planning (see above) and electricity.

Investing in generating and selling electricity was one of the most lucrative economic activities before the area was connected to the public network. Even today, connection to this network is very expensive, as it is provided by private companies that at the time of writing charge 83 SD (Sudanese Pound), about US \$28 per month, in fees and 1500 SD, about US \$500, in total for connecting one house, forcing many neighbors to share electricity (author's interview with Khamis, former local expert of the planning authority, 28/5/2010, Elbaraka). Very few homes, however, go entirely without electricity,

In the field of education, the government has opened ten primary schools in the area since legal planning. All of them have Islamic names. These public schools are outnumbered by private schools. This reflects the fact that many local people are ready to pay the monthly fees (about US \$3 per child) for their children to attend private schools, as opposed to the semi-free (once a year payment of about one-quarter of the rate for private schools) public schools, because they expect access to higher qualification for their children at the end of the primary level.

The examples of electricity supply and schooling indicate that people use their own resources to fulfil their most urgent needs, when public services are lacking.

This is different with supplies provided by international agencies. Water, which is not as much of a priority for the people, is in insufficient supply in Elbaraka. Most of the wells were dug by NGOs and administered by the local committees. Many local people are dissatisfied with their management (author's interviews with local residents, Elbaraka, 2010).

In the field of law and order, UNMIS (United Nations Mission in Sudan) and UNDP (United Nations Development Programme) offered a capacity-building course for police staff and built a police station at the center of Quarter No. 2 in Elbaraka. However, even though the police station is a very beautiful green building, it remains closed for most of the year (author's interview with Yagob, head of the local committee and director of the police station, 15/7/2010, Elbaraka). During a course offered by UNMIS at the Elbaraka community police station, the psychological needs of people affected by disasters were assessed. Strangely enough, the lecturers were wearing army fatigues and speaking English through a translator, and lunch was divided. While the lecturers and UN staff enjoyed catering from what appeared to be one of the most expensive restaurants in Khartoum, the participants received only sandwiches.

The UNDP-funded local police station apparently was not accepted as own institution, but remained alien in the quarter. Similarly, the recipients of the training course obviously considered UNMIS to be an outsider.

International and local NGOs mostly run the health institutions in Elbaraka. There is no governmental health institution, and even private clinics are located outside the area. People need more medical institutions but seem to be waiting for the NGOs to provide these services as they used to. Hundreds of people came to receive free medical treatment, when a local NGO founded by members of the educated youth in cooperation with medical staff from a health center located outside the area organized a 'health day'. The day included health education lectures about major health problems in the Elbaraka area such as malaria, HIV, and circumcision. Doctors and assistant staff who agreed to work voluntarily, were not able to examine all of the people waiting in the queue.

The examples show that in many cases NGOs supply services from which local people benefit, but which are not necessarily what they need. Besides the UNMIS and UNDP examples, this also applied to the War Child Holland program and the Azza Organization program for women empowerment. Local people tend to look on what the NGOs offer as extra free services, or ignore the projects.

This short account confirms that local people are working hard to fulfill their needs, and that they are able and willing to direct considerable amounts of resources to achieving at least those they perceive to be the most important ones.

Government perception of services and responsibilities

An analysis of government policies towards shantytowns reveals a mixture of motives leading to contradictory outcomes. Attempts to physically change the shantytown to comply with standards of a modern city ended up in transforming the shantytowns into fourth-class areas; a change from illegal squatter settlements to poor urban areas. Furthermore, the assimilation of the shantytown dwellers' identity into an Arabic-Islamic identity perpetuated their low status, since the acquisition of a high position in the Islamic-Arabic hierarchy is difficult if not impossible as it depends largely on genealogy (i.e. having Arab origins). Obviously, the policies of the government are driven by the urban northern Sudanese middle class way of life and its desire to impose an Arabic-Islamic identity (Beck 1998, 254–55). This hegemonic identity is maintained and promoted mainly by educated elites from northern Sudan and supported by businessmen. As a result of all the government policies and formal urban interventions, the historical ethnic categorizations of urban settlers are perpetuated, putting shantytown settlers at the bottom of the urban hierarchy.

Although the government consistently claims to represent the middle class, in fact not all members of these groups share the current extreme religious and racial views of the ruling party members even if they are employed by the government. Distinctions are required between government and other northern middle class groups who dominate the city and the country as a whole.

Given this context, the highest government priority is to provide services to shantytowns by urban planning with little concern of which groups or individuals are going to live in the area. The tendency of the government to consider shantytowns as a source of criminal activities made law and order the next priority, visible in the fact that the police use more violence and assume more authority in the shantytowns than is common elsewhere.

The third priority is education geared towards making the identity of the shantytown residents conform more closely to the Arabic-Islamic culture by controlling the school curriculum (Pekkinen 2009, 17). Consequently, the government prohibited NGOs from working directly in the shantytowns and closed all their schools, before it introduced ten primary schools, some of them supported by Islamic NGOs.

The fourth priority is mobilizing political support for the government by means of the local committees, along with civil society organizations such as youth organizations, and some religious institutions, like the Zakat institute (Islamic tax collector). The aim here is clearly to make political affiliation with the government the only way for shantytown people to participate in and influence the provision of government services. As a result, the majority of local committee members are also members of the National Congress Party (NCP), the ruling party in the country. Indeed, to be qualified for membership in a local committee, candidates must show that they embrace the Arabic-Islamic culture even if they are not Muslims.

NGOs' perception of services and development projects

Various international agencies, such as UNDP, War Child Holland, CIDA (Canadian International Development Agency), Sudanese Council of Churches, SECS (Sudan Environmental Conservation Society), Azza Organization, and Amal Organization run small projects in Elbaraka—either with partners or alone. The main ideology behind the efforts of the UN agencies and NGOs in the shantytowns comes down to a humanitarian perspective. Originally, they had perceived local people as IDPs suffering from war and natural disasters in their home regions, and all programs and services were planned to provide basic humanitarian relief. After the completion of legal planning, these humanitarian programs were followed by several 'development programs'. The services and aid currently provided by NGOs and UN agencies, however, are of poor quality and quantity. There are surprisingly few projects and services offered by the NGOs in the shantytowns—mostly medical services—and even these are small in scope when compared to the number of potential beneficiaries. An important reason for this is the government policy towards the work of the NGO—placing obstacles in their way and preventing their activities in general.

In fact, the incorporation of local people in services and projects provided by INGOs and UN agencies is very limited, because NGOs staff tend to consider people as needy and neither having the resources nor the ability to determine their own priorities. Most international agencies come to the area with ready-made programs and policies, which leave very little room for locals to direct the projects towards what they need. What the

agencies consider as successful, does not necessarily reflect acceptance by the local population, as the examples of the UNMIS course for police officers and the UNDP-funded police station revealed.

In fact, although international agencies and government are considered to be opposing powers in the context of shantytowns, they have much in common. They both engage with shantytowns as outsiders, and they impose their (different) ideologies in the same way on the ground. They perceive the locals as incapable of choosing what they need. Their common shortcoming may be their inability to acknowledge the free agency of local people and the priority list of the 'targeted' people.

Conclusion

When focusing on the needs and demands of the local people, it is crucial to pay attention to the differences between them. As the paper showed with the case of Elbaraka shantytown, at least three groups have to be distinguished: The first generation whose needs originate from their rural life experiences and are a mixture of the rural and urban lifestyles, the young generation which had grown up in the shantytown, and the educated people with a middle class urban lifestyle. Since the 1990s, middle class inhabitants who adopted the lifestyle promoted by the Islamization project of the government provide the local committee members, which are decision-makers in the shantytown.

The paper brought to light that the local people are providers of services for themselves in various fields. Further providers are the local government and international agencies as well as NGOs. These are urban-based institutions that fulfill the urban side of the needs but neglect the rural-based needs of the first generation. The efforts and ideologies of the agents providing the respective services limit the alternatives of local people to satisfy their needs. Moreover, the differences between urban and rural lifestyles of local people also widen the gap between the inhabitants of Elbaraka shantytown. As the case study showed, local settlers are working hard and passionately to achieve their respective objectives, collecting and directing all their resources toward the most important ones, while other actors, UN agencies, NGOs, and government, are clearly influenced by their respective ideologies in setting very different objectives. Even if those objectives helped to promote the well being of local residents, the

perceptions and viewpoints of local people still need to be addressed and considered. The lack of this led to failed projects as pointed out in the context of NGOs and government policies in the Elbaraka shantytown.

A mutual understanding of the three agents and the recognition of the equal status of the local agents would be required to reach a co-operative design and establishment of public services and developmental programs (Ibrahim 1990, 257). Above all, recognizing the differences between the three local groups—first generation, educated, and youth—remains the key for developing success stories in the shantytowns in Sudan.

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New forms of exclusion in Torit: Contestation over urban land

*Timm Sureau*²⁵

[...] agriculture is very fundamental, because for us as a new nation—a new independent nation—we need to embark on agriculture in order to improve our lives and the lives of the citizens and to have enough food. [...] If you can see today the prices in the market are very high, this is because we don't have production (Siro 2011, at that time County Commissioner of Torit County).

I can even sacrifice my life, like what we did during the war. It's just..., the war broke [out] because of land grabbing. The Arabs²⁶ were using our land and they didn't want us to benefit from it. So the same thing will happen (Akipito 2012, member of the ruling age grade group of the Latuko Nyong).

The two citations at the beginning show the importance of land for South Sudanese citizens. They also show the necessity of avoiding any notion of 'second-class citizens', which was how Southern Sudanese often felt during the unity of Sudan. This paper presents how the issue of land is handled after separation from Sudan. It describes the multiple layers of landownership and the emergence of a state in Torit and elucidates Torit's agriculture and uses of farmland. It highlights related legal issues and the complexity of several legal conceptions, presents practices for acquiring land use rights that have been legitimate for a long time, and how a fast urbanization process is interfering with these. The paper focuses on urban farmers who are affected by the loss of land and shows how their cases were handled. It is also about the perceptions the actors involved have of the handling of their

²⁵ This paper will be part of my dissertation, where it will be used in a revised version. Special thanks to the MPI for Social Anthropology that enabled me to do the research this text is based on, to the LOST-colloquium, John Eidson, Florian Köhler, Jairo Munive Rincon and Christina Turzer for comments and suggestions regarding the text and to Anja Sing for language correction.

²⁶ The (North) Sudanese Government/ Military was perceived as 'Arabs' and is mentioned as such in the citation.

case. The paper analyzes how the current mode of dealing with access to land is an expression of and produces new forms of discrimination against urban migrants. As the perception of these migrants might have serious negative consequences for the state-building process in South Sudan, their point of view is taken into account prominently in the paper.

The field study used semi-structured interviews with people and institutions using the follow-the-object method. The paper starts with a presentation of the case of an urban immigrant and how she lost her land. Then the involved institutions and their roles are presented, based on interviews with the people representing them. The role of the Transitional Constitution of South Sudan, the fast urbanization process and their influence on this case are explained. An analysis of the case in this context follows and leads to the conclusion of this paper.

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The setting is Torit—a small but rapidly growing city and the capital of Eastern Equatoria State, one of ten states in South Sudan. The actors relevant for the case study are two small-scale farmers, some employees of the United Nations Mission in South Sudan (UNMISS), the governor of Eastern Equatoria State, several employees at various ministries of Eastern Equatoria State, the county commissioner of Torit County, and two representatives of the *Monyomiji*, the ruling age grade, of the Latuko-Nyong, a subgroup of the Latuko community²⁷ that shares Lotuho as their common language. According to the Latuko and a shared consensus in the area, Torit County belongs to the Latuko-Nyong. '*Monyomiji*' means the 'owners' or 'fathers' of the village. The *Monyomiji* have no formal leader, they settle conflicts, decide on land questions, and protect the interests of the community (Simonse 1992). In principle, everyone (Latuko and non-Latuko) can present a case at one of their meetings, also called *Monyomiji*.

²⁷ In the local English of Torit and in the Transitional Constitution of South Sudan, the term 'community' replaces the term 'ethnic group', and the paper follows this rule.

The commissioner of Torit County has three standard contact persons among the *Monyomiji*. Whenever he has a question, he would contact these three people, who, in turn, would raise the topic in question during a meeting of the *Monyomiji*.

During the war, however, and because Torit had been governed over a long period by the (North) Sudanese government the situation was very different. From 1983 to 2005, the local Latuko-Monyomiji could neither meet nor influence politics and many of them fled the civil war to other regions of Sudan and the neighboring countries. Even in the years after 2005, the influence of the *Monyomiji* was weak, since they were still returning from these places. This weakness manifested itself by the fact that the first major annual meeting of the *Monyomiji*, on the occasion of the harvest, since the 1980s only took place in 2012 (Akipito 2012).

Case description: How an urban immigrant lost her land

The urban migrant, whose case is in the focus of this paper, is called Lucy and identifies herself as member of a Lotuho-speaking grouping called Lokoya. Her village is about 40 km from Torit, a fact that can be used (and has been used) to make her a foreigner in Torit town, even though she has lived in and around Torit since the mid-1990s. She permanently moved to the town in 2003 and was allocated a plot of land where she cultivated sorghum, a staple food in the area. Lucy had been part of what is referred to as WAAF (women associated with armed forces) in South Sudan, indicating that she had not directly been involved in combat but served the troops behind the front line. As ex-combatants, the WAAF were integrated in a disarmament, demobilization and reintegration program. For her, reintegration comprised training in agriculture, implemented by the GIZ (Deutsche Gesellschaft für internationale Zusammenarbeit) and financed by the United Nations Development Programme UNDP.

In early 2012, just after harvest, the local base of UNMISS extended their compound and erected a long fence of man-high barbed wire enclosing an area destined to become part of the UNMISS compound. The compound is surrounded by a rampart with two turrets overlooking it and UN-guards armed with automatic weapons. With two construction vehicles, UNMISS began to work on Lucy's former plot in an area next to large strips of uncultivated land where people come to gather wood.

The following encounter between Lucy and her co-wife Mary with a UN security guard sheds light on the conflicting perceptions that urban migrants and UNMISS staff have of the issue.

The two women stop collecting firewood, come to the fence and start shouting at the guard. They complain that UNMISS and the government stole their land:

Lucy: Before, the land was clean, by God, there was no other person. They came and took it. And it was made arable before.

Guard: The government...

Lucy: Government, government of what? Nobody is government. Nobody is there. There is no government. Everybody is the government. The government could ask the people: where is the owner (siid) of that land. And they could ask that every person comes on his farm (mahalsiraa). They could ask the people [whom the land belongs to], because the people know the truth.

Guard: Don't you know that it has to do with the plots?

Lucy: I know. That's a problem with the plots. But this is no plot. It's not the plot of the UN. This UN, where do they come from anyway? (Lucy 2012, urban farmer).

While talking to the guard, she uses the term UN. To her friends, she usually talks about "the Bangladeshi". This is the local nickname for UNMISS and other UN agencies and their staff, since most of the military employees who work and live on the compound come from Bangladesh. UNDP is one of the agencies residing on the UNMISS compound and had provided funds for a reintegration training in agriculture the year before of which Lucy had been a participant. This is what gives Lucy's case a sad irony. From her point of view, the Bangladeshi who provided her training in agriculture also took her land.

Yet on another occasion where the government took land to build a street, they offered new houses for the inhabitants of that area. Lucy knows about that and appreciates this course of action:

Lucy: They [the inhabitants] were told: this place will be used for a street and it will go like this: We will destroy this house and you will get another like it (ibid.).

After having shouted at the guard for about five minutes, Mary and Lucy calm down and ask him whether he could throw a branch of a tree, which they wanted to use as firewood, over the fence. He throws the branch over the fence.

Institutions related to the case

Why had the land where Lucy and some other farmers had been farming been fenced? The most immediate actor involved was UNMISS, whose position is elaborated first.

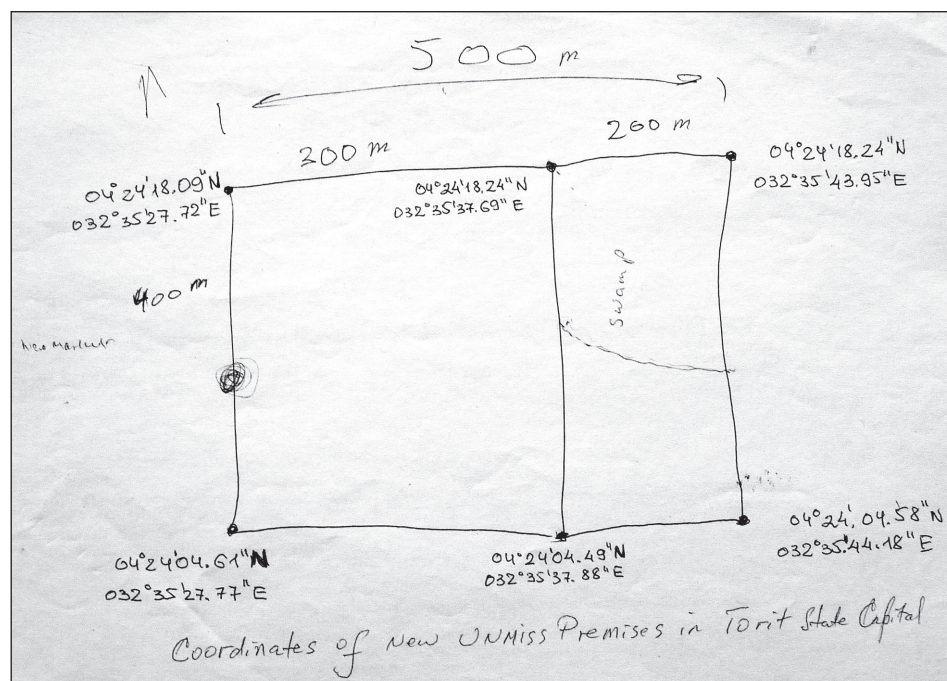
UNMISS

The administrator responsible for the expansion of the UNMISS compound refuses to present himself by name. He argues that due to the increase of agencies there is a need for an extension of the compound. That is why the UNMISS administration made an official request in August 2011 to the governor of Eastern Equatoria State to acquire further land behind the compound. The governor sent them to the Ministry of Land and Housing of Eastern Equatoria State where they had to make another formal request. They received a positive answer after about a month, in September or October 2011. Then, the administrator took the decision not to fence in the land immediately, but rather after the farmers concerned had completed the harvest. He presented this action as a generous gesture towards the local farmers.

Ministry of Land and Housing

It appears that the director of planning of the Ministry of Land and Housing is a competent older man who had been sick for some months. Due to his absence from the office, he had missed the demand of land by UNMISS and the subsequent confirmation. One of his colleagues confirmed the fact and brought in a sketchy plan of the extension plot.

Figure 1: Sketch of the expansion of UNMISS compound,



Note: Document at the Ministry of Land and Housing on the expansion of UNMISS compound, photo taken by Timm Sureau, 12 April.

The director of planning explained that the urban immigrants using the land were “illegal owners” of the land. The status refers to the fact that one can live or farm on a piece of land and might even legitimately do so without being the legal proprietor of the land. According to the director, the issue of Lucy having lost her land

is very easy to solve [...], very easy. By law, they don't own that land. They just came. They are very lucky that nobody came and disturbed them during the one year and that they collected the harvest [...]. As they did last year, let them go and clear [make arable] another place. Because we cannot tell UNMISS now 'don't build there' because these women are now there. We rather ask: which one would you prefer: UNMISS or these three local women? (Luca 2012, Director of Planning at the Ministry of Land and Planning).

He went on to explain that if the women legally owned the land, the situation would be different. To him, the fact that they have not legally obtained the land before cultivating it, is “an offense to the government” (ibid.). Then he added that land for farming can be acquired by going into the bush and clearing any unclaimed piece of land. The director of planning put it like this: “[...] I can take my tools now and go and enter every forest. That was what I am saying. There is a lot of no man’s land. Nobody cares, just go and start [...]” (ibid.). Later, again in contradiction with his own words, the director of land planning continues:

But who gave them that land in the first place? If somebody will be able [to tell] who is lawfully occupying government land or community land should be able to provide us with the answer: who gave him the land in the first place to start doing that clearing. You see, clearing land by itself is an offense to the government [and] to the department of foresting. [...] They are illegal owners of that land, ehh! [...] they have stolen something from the ground: [...in] three consecutive years, let us say 50 tons of maize, but they have not paid 805 [pounds] times four plots to the government to deserve that land (ibid.).

The payment mentioned in this statement refers to the price for a plot of land for housing, which amounts to 805 South Sudanese Pounds (US \$273). Four pieces of land would make a very small farm. Here, the director of planning presents the legitimate way of acquiring land and the legal aspects of farming around inhabited areas.

He further explains that the procedure of UNMISS for getting the right to use the land was the following: After UNMISS had arrived, the ministry contacted the County Commission of Torit to find out if they can give out that land. After the whole procedure was completed and the ministry received a positive answer from the Commission, the ministry produced documents allowing UNMISS to extend their compound.

Commissioner of Torit County

The Commissioner of Torit, Felix Otuduha Siro, explained that each time a government institution needs land, he would contact the community leaders, that is, the Monyomiji, and the landlord of that region. All of them are Latuko. He would need to explain the reason for the demand, the

benefit for the community and the people, and he would have to settle the financial arrangements. The *bomas*, the smallest administrative units in the district, and the *payams*, the second administrative level upwards, and the communities will receive a percentage of the income generated through that land.

Concerning farming land outside of towns, the statement of the commissioner was similar to that of the director of planning.

You go about two or three kilometers. There is enough land there. Nobody even will talk with you. People cultivate. If we go with you outside there, you will find that this is a free place (Siro 2011, commissioner of Torit).

On the one hand, the commissioner not only recognizes the common way of freely acquiring land for farming but also that the current legislative system is not dealing sufficiently with the issue of non-Latuko living and farming in and around Torit and that this might be a source for problems. On the other hand, he explained the government's policy concerning South Sudanese returnees coming from Uganda, Kenya, and North Sudan as follows:

We are going to give them land from those *payams*. So, they produce from those *payams* and not here in the center [of Torit]. Ya. We have land outside. Here in the town it is contested, but outside in the *payams*, we have enough land for agriculture (ibid.).

A significant number of returnees prefer to live in cities and thus expand them. As Lucy is considered to be foreign, because she originates from a place 40 kilometers from Torit, the non-recognition of her case by the authorities is but one example for the consequences of the process of urbanization.

As pointed out earlier, at that time there were three 'official' contact persons of the *Monyomiji* the commissioner could communicate with.

Monyomiji

Just as the commissioner and the director of planning, the two *Monyomiji* Cassiano and Akapito interviewed have a clear position regarding land rights and the situation of both Lucy and Mary. They explain that people who have planted fields should be allowed—as they said, out of mercy—to

harvest the crop. Then, after an advance notice, they have to abandon the land. This advance notice had been missing completely in Lucy's case, which was one of the reasons for Lucy's complaints and those of other small-scale farmers. To let these farmers harvest their crop out of mercy was proposed by the director of planning and by the commissioner. All of them agree that the harvest has to be allowed before the land is taken—for Latuko and also non-Latuko like Lucy, either out of mercy, or for the sake of humanity, or because any other course would be against their culture.

The position of the two *Monyomiji* towards the land follows the law of the government: "All land in South Sudan is owned by the people" (GoSS 2011, para. 170–1)—just as it is mentioned in the Transitional Constitution of South Sudan. They apply their own interpretation of the word 'people' here. "They have no right to go and to tell the UNMISS: 'this is my land, I am cultivating here, you got me here', because this land belongs to the people of Nyong of Nyong community" (Cassiano Okito 2012, *Monyomiji*).

For both of them, the only people who have any land rights in the region are the Latuko of Nyong; other 'people' from South Sudan, even though they are South Sudanese citizens, have no land rights in that specific area. The Latuko-Nyong are "the real owners of this land" (*ibid.*). According to Cassiano Okito,

in the Land Act it is explicated clearly: The land belongs to the community, to the people, to the locals, to the natives. If anybody, a government, or any private investor, whoever wants a land, he or she should come and he or she must, not only should, but must come and consult the community! (*ibid.*).

The fact that Lucy is a South Sudanese citizen is not taken into consideration; she has rights in her own area, but not in Torit. This could be seen as a process of exclusion, at least from the perspective of Lucy and others, as has become clear in the words of the *Monyomiji*. According to the rights propagated and the concepts they are using, people from other regions, even if they have lived in Torit for eighteen years, are neither part of the community, nor do they have land rights in the region, nor are they locals, nor natives.

Generally, the *Monyomiji* are willing to provide the government and UN-institutions with land, after ensuring that their own interests are preserved. "Ensuring" in this context means that they want to protect their animals'

grazing land, the “very very nice land for cultivation” (Akipito 2012), the hunting spaces, and the ritually important and sacred areas.

Cassiano considers the absence of Latuko institutions during the war due to exodus and repressions towards the *Monyomiji* as a challenging problem. During the civil war, the government of Sudan occupied spaces and sold Latuko lands. The *Monyomiji* of Latuko-Nyong were neither asked nor compensated for the seizure of their land.

The transitional constitution of South Sudan

The current legal document on the subject of land is the Transitional Constitution of South Sudan of July 2011, which demands that all “levels of government” develop laws to take “customary rights and practices” into account. Chapter II on land ownership and tenure and natural resources reads as follows:

(9) Communities and persons enjoying rights in land shall be consulted in decisions that may affect their rights in lands and resources.

(10) Communities and persons enjoying rights in land shall be entitled to prompt an equitable compensation on just terms arising from acquisition or development of land in their areas in the public interest (GoSS 2011, 80, Article 171–9, 10).

Interestingly, an earlier draft of the land policy for South Sudan of February 2011 stipulates, that the law—under certain conditions—“recognize[s] the community land rights of persons, [...] even where they are not by birth or marriage, members of families or clans who have historically lived in a particular area”²⁸ (ibid. 2011a, 16).

This last article has the potential to solve Lucy’s problem. It seems that the Government of the Republic of South Sudan took some time to make it a legal document. As of end of September 2013, the draft has been finalized and the land policy of South Sudan, apparently includes the above paragraph.

²⁸ Thanks to Andreas Hirblinger for pointing me to this draft.

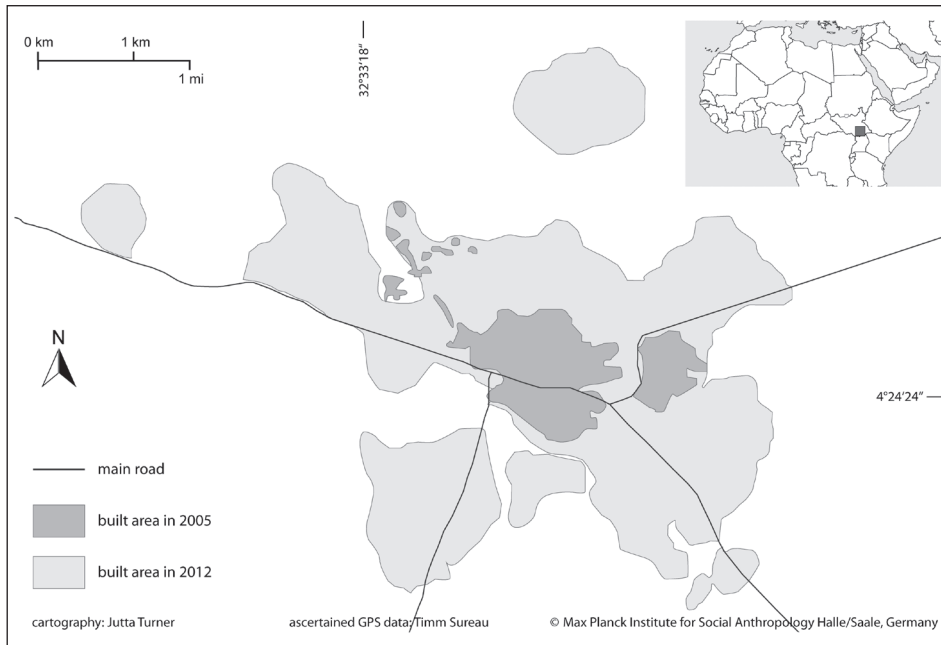
Urbanization

Since the signing of the Comprehensive Peace Agreement (CPA), a strong urbanization process has ensued, caused by the massive influx of returnees during the interim period until the referendum leading to independence of South Sudan. In accordance with the words of the late Dr. John Garang, “bring towns to people and not people to towns”, the Government of South Sudan is trying to counteract the urbanization process by demanding from organizations like the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), and similar agencies to bring the returnees and internally displaced persons (IDPs) to the villages of their ethnic origin. Hence, IOM is bringing South Sudanese from in and outside of the country ‘back to their villages’, where they can receive land.

People had fled their homesteads since the start of the civil war in 1983. Thus, many of the returning South Sudanese refugees had left South Sudan as infants or small children or they were born in exile. Many of these people had been city dwellers in their places of refuge and many of the returnees to South Sudan have only vague memories of their villages of origin; for the younger ones, this is the first time they see a South Sudanese village. They grew up in cities such as Khartoum, Kampala, etc. and are neither adapted to South Sudanese rural life nor interested in abandoning city life. Therefore most of the returnees or newcomers in South Sudan do not proceed to their villages or, if they do, often leave them soon after.

In addition to the returnees, many people who had stayed in Southern Sudan during the war, adapted to the life in towns. They became used to towns and cities for different, but typical reasons: The most common in Torit revolve around education, health, and the hope for job opportunities. Map 4 succinctly illustrates that a strong urbanization process is taking place in Torit. The inhabited area increased by 745 percent from 2005 to 2012.

Map 4: Urbanization process in Torit



Note: Inhabited area of Torit, 2005 and 2012.

Source: Data by Timm Sureau; cartography by Jutta Turner.

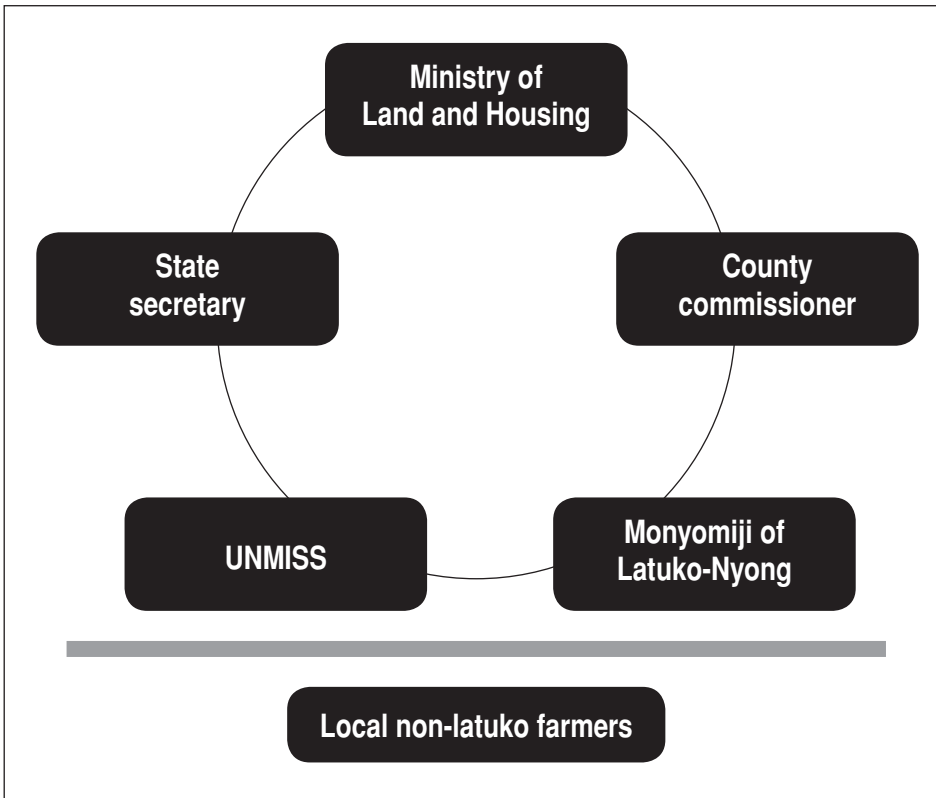
To sum up, the vast majority of the non-Latuko in town are not likely to return to ‘their’ villages in the near future, unless they are forced to. Governmental institutions, such as the commissioner of Torit, do not take this into consideration. By exclusively referring to the Monyomiji of Latuko-Nyong, the commissioner enforces a process of exclusion of the non-Latuko in Torit town.

Analysis

As shown in the previous sections, the legitimate way (the way broadly accepted among local actors) of acquiring land for farming can be summarized as follows: *The one who clears the land outside of town, who makes it arable, can use it for farming.* This is valid for all actors interviewed. However, this practice has no legal basis that would be considered in court, and it is undermined by certain human and non-human factors:

1. Torit's urbanization process has caused a cultural pluralism inside of Torit, because Torit did not and does not exclusively attract Latuko from Nyong. It attracts individuals from different community backgrounds and ethnic backgrounds who will not just 'go back to their villages'.
2. The commissioner and the director of planning consider the committee (the *Monyomiji*) of the Latuko-Nyong as the sole representative of the local population administering all land rights. The *Monyomiji* interviewed agree to that and see the Latuko-Nyong—represented by the *Monyomiji*—as the legitimate and exclusive possessors of the land. This view on representation and the lack of capacity or willingness to see and adapt to the processes of urbanization and cultural diversification result in the exclusion of non-Latuko from local political processes.
3. The post-war setting complicates the abovementioned factors. A salient factor is the absence and thus resulting powerlessness of the *Monyomiji* in Torit during the war when land was sold and new practices of distribution and use of land for farming were developed. Even if Lucy had wanted to ask the *Monyomiji*, she would not have been able to do so in 2008. As a result, farmers who acquired land under such conditions, today feel that they have at least a right to be informed before their land is otherwise attributed.
4. UNMISS followed the standard procedure of acquiring land and even showed some sensitivity in letting people harvest. Yet it did not display the responsibility to demand from the state-institutions that the few displaced farmers receive fair treatment and assistance as citizens. This could have been an interesting signal to the *Monyomiji* and the different government institutions involved. One of the aims of the United Nations in South Sudan is state-building, economic development, and the propagation and stabilization of peace (United Nations Security Council 2011, 3). UN organizations pursue the state-building project by acquiring land through the governor—the customary way of doing so. By ignoring the local needs of non-Latuko farmers, however, of which Lucy is an example, and by thus showing a significant lack of sensitivity for conflict potentials, UN organizations threaten the very peace and stabilization process they aim to support.

Figure 2 visualizes a missing link created by the actions of the presented actors.

Figure 2: The missing link

Note: By Timm Sureau

In his work on land tenure in Mozambique, Jon Unruh (2001, 4) describes three levels of rights. The levels are (a) the evidentiary constructs which legitimize property rights under local customary tenure, (b) formal tenure (state law), and (c) evidence used by migrants or non-local populations (particularly large in postwar environments) for whom neither customary nor state tenure institutions effectively apply.

The Transitional Constitution of South Sudan aims to reconcile state law and customary tenure. The commissioner, the employees of the Ministry of Land and Housing, and the two members of the Monyomiji all refer to this connection. This is in accordance with Unruh, who states that “for smallholder groups with low proportions of migrants the customary system appears able to ‘justly’ handle postwar land disputes” (ibid., 23). However,

Torit has a high proportion of migrants. Lucy is one of them. Customary law does not protect ‘her’ land, nor can she provide documents for the land. Therefore, to recognize her rights according to Unruh’s description, she would have to ask for the recognition of the ‘evidence’ that can be produced by asking every farmer to identify their land, because they could confirm that she made the land arable, they would know ‘the truth’ about it.

The problem of land conflicts is that there is a formal system and a customary one. The formal system demands written documentation, which for example the commissioner asked for in Lucy’s case and which UNMISS requested from the government. Local farmers are unlikely to have such documentation, especially in post-war situations. Instability and impoverishment can be the consequence for the farmers (ibid., 6–7).

Negotiations are ongoing to include other groups which can neither be derived from customary ideas nor from the transitional constitutions. Women, youth and civil society groups are included in the discussions (Simonse and Kurimoto 2011).

For the moment, the control of the “[...] ‘language’ and the ‘translations’ of reality into evidence for use in adjudication, mapping, and demarcations” (Unruh 2001, 7) lies in the hand of the state and the *Monyomiji*. “This control legitimizes or de-legitimizes units of aggregation, kinds of rights, or ways of land use, or they justify appropriations and expropriations” (ibid.; see also Shipton 1994; Murphy 1990). According to Lucy, an expropriation took place. Asked about her plans for next year, she told dramatically: “I’ll just be dead, I’ll die of hunger” (Lucy 2012, urban farmer).

Even though theoretically there is land outside of town, suitable land for rain-fed agriculture should meet certain criteria: It should be located close to a river to provide the farmers with water; the land should be free of yellow fever; a market close by or a road giving access to one is needed; etc. (Sundnes and Shanmugaratnam 2008, 65). If land does not fulfill these conditions, it will not be suitable for urban small-scale farmers like Lucy.

Conclusion

Land is vast in South Sudan, but accessible and arable land is not, and it is increasingly becoming scarce. Rain-fed agriculture is possible in several regions in South Sudan, but certain conditions have to be fulfilled to make

farming succeed and a competition for this farming land close to urban settlements is taking place.

The introductory quotations show the significance of fair and equitable land use in the context of South Sudan. Denied or limited control over land was one of the reasons for the civil war in South Sudan. The definition of 'fair and equitable' land use though is still under discussion. This paper has shown that a legal system is implemented that builds on communities and gives them one of the rights, which some of their members were fighting for—the right over land.

According to the case analysis, the commissioner simplified the obligations of the constitution by letting the *Monyomiji* represent all people thus ignoring the ongoing urbanization process, while the *Monyomiji* extended their influence and power. Additionally, the United Nations and its agencies undermined their own efforts of teaching farming techniques and respect for citizens to ex-combatants by taking the land away from them and by forgetting about that respect when their land needs are involved.

By this, a new process of exclusion is introduced; an exclusion of migrants from arable land. For this paper, only one case was examined exemplarily. Similar cases about the loss of land because of urbanization and land claims of autochthones—self-ascribed and ascribed by others—could easily be found. On the one hand and put in harsh words, the focus on the rights of ethnic groups—so-called communities—and the neglect of the new habits, new broadly accepted ways of acquiring land, produces new second-class citizens. It is doubtful whether they consider this to be a 'fair' distribution of land. On the other hand, to leave out the claims by the communities could also create severe conflicts, as the introductory citation and the case study showed. Such dangers can be defused if negotiations, like the ones edited by Simonse and Kurimoto (2011), which include the *Monyomiji*, women and youth groups also gave urban migrants a voice.

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The co-option of humanitarian assistance in Darfur

Elis Schmeier

Humanitarian assistance has been vital for the two million plus internally displaced people (IDPs) within Darfur and about 200,000 refugees that managed to flee to Chad. However, relief aid has not been distributed according to one of the main principles of the Code of Conduct for international relief organizations: That allocations be made “on the basis of need alone”. The argument of this paper is that relief aid has been co-opted in different phases by different actors for different reasons all of which prevented relief from being delivered on the basis of need alone, thus endangering the core humanitarian principles of humanity, neutrality, impartiality, and independence. Due to the changing nature of warfare in today’s complex emergencies (Keen 2008a) and “new wars” (Kaldor 1998), humanitarian assistance got more and more politicized, compromised and manipulated by different actors such as governments, rebels or the international donor community (de Waal 1997; Keen 1998–99; Macrae et al. 1994). This paper examines the instrumentalization of relief aid in Darfur.

The paper traces the co-option of humanitarian engagement in Darfur since 2003. The data base stems from documents of international agencies, the literature, and interviews with eight staff members of aid agencies. The paper starts with an analysis of the late recognition of an emergency in Darfur, examines the evolution of humanitarian space in the context of the Darfur Peace Agreement (DPA) in 2006, and assesses the repercussions of the arrest warrant of the International Criminal Court (ICC) against the president of Sudan on relief aid in 2009. It discusses the limits of obstructive measures against aid agencies and analyzes the role of ethnicity in the relief efforts, followed by a conclusion and policy recommendations.

Failure of early emergency recognition as a case of co-opted relief

“We were too late. We missed most of the atrocities. We missed a whole year.” This is what an aid worker said about the early phase of the emergency in Darfur. Why did humanitarian assistance arrive in Darfur only in April

2004? The reluctance to recognize Darfur as an emergency for almost a year constitutes a co-option of relief aid, as this decision was influenced mainly by interests other than humanitarian as will be described below.

Reluctance to realize a conflict as an emergency was a technique used in Ethiopia and Sudan in the 1980s to hinder relief from reaching IDPs, even more so in rebel-held areas (Duffield 1994, 62). After the violent outbreak of the conflict in Darfur in February 2003, most of the agencies gathered in neighboring Chad as the government of Sudan (GoS) refused access. They heard what happened in Darfur from the refugees fortunate enough to have made it over the border. At the end of 2003, a few organizations were allowed to engage in first field trips to Darfur, and what they saw was described as “awful. There was nothing. People were gathering in camps without aid,” a relief worker stated. In that early phase of the conflict, the Chairman of the United Kingdom House of Commons Development Committee (HCDC) commented on his perception of the lack of emergency recognition. It was “a state of denial within the government in Khartoum, within parliamentarians in Khartoum, a state of denial as to what was happening to internally displaced people in Darfur” (HCDC 2005a, 52).

Due to the increase in NGO reports, media attention, and the fact that some international actors such as the UN Humanitarian Coordinator in Sudan from March 2003–April 2004, Kapila, rang the alarm bells, pressure on the GoS to give access to relief agencies mounted, and the GoS finally yielded. Only at this point, after more than a year of inaction, was the emergency in Darfur internationally recognized as such. This process has been termed an “act of omission” (Macrae and Zwi 1994, 11), a failure to act.

In March and April 2004, the International Committee of the Red Cross (ICRC) was allowed to access Darfur. But still, about 90 percent of access requests were denied and especially so to the rebel-held areas, as UN Secretary-General’s Special Envoy for Humanitarian Affairs for Sudan, Tom Vraalsen confirmed in 2003 (Collins 2004, 15). UN agencies, such as the WHO, were “pressured by governments, particularly Sudan” not to compile “credible mortality statistics” (Cohen 2007, 55), which are crucial for bringing international attention to an emergency situation. Hence, WHO publications did not include “violent deaths and malnutrition-related deaths” (*ibid.*, 55) nor did UN agencies publish areas to which access was denied (UN DHP 2004). Later, it turned out that in 2004, death rates had

been “41 times higher than the standard threshold for an ‘emergency’” (Flint and de Waal 2005, 113).

One deciding factor for the late recognition of emergency was s prioritization of the donors not to jeopardize the North–South peace process (Keen 2008, xxiv; HCDC 2005, 35). A senior aid official stated that the organizations’ and international donors’ reluctance to engage in Darfur was due to institutional and personal interests. “A lot made their careers in the South,” he said, in line with the argument of soft and hard interests of humanitarian actors (de Waal 1997, 66).

(Kapila) testified (...) [in front of the HCDC] that when he raised Darfur in numerous western capitals between October 2003 and January 2004, the clear message was that despite humanitarian concerns, IGAD [Inter-Governmental Authority on Development, African regional organization responsible to mediate the North-South peace negotiations] was the priority (...). In September 2003, he had received a similar message from the UN Under-Secretary-General for Political Affairs (Srinivasan 2010, 326).

With the external powers giving precedence to the North–South peace negotiations over the recognition of the Darfur crisis as a major emergency, the GoS felt quite sure that it would not be criticized at this “crucial point in the peace process” (HPG Note 2004, 3) and by taking their time in the peace negotiations, they freed up time for their counter-insurgency in Darfur (ibid.).

Important donors such as the United States or China had other interests at stake as well, which took priority over exerting pressure on the GoS and a faster emergency recognition. Sudan was the US’ “key state in counter-terrorism policies in Africa (and) Darfur is less important than the ‘War on terrorism’” (Prunier 2005, 139). Moreover, Sudan was becoming globally important as an oil-producing country (Keen 2008, xxiii). This partly explains China’s opposition to sanctions against Sudan (Shinn 2009); another part being its primordial concern for state sovereignty (Schmeer 2010, 25–31).

International humanitarian agencies also had internal reasons for the late emergency recognition. Darfur lost against “higher-profile emergencies elsewhere for (...) resources and media attention [such as] (...) Afghanistan and Iraq, which, while of lesser humanitarian magnitude, had greater political cachet” (Minear 2004, 81–82). An analysis of the Guardian and

the Observer coverage revealed “neither paper covered Darfur prior to December 2003, and coverage was then sporadic until April/May 2004” (Campbell 2007, 366).

Co-option of humanitarian action by institutional and personal interests, by the international donor community, which had other diplomatic and political interests at stake, as well as by the GoS, which followed its own policy of delaying, serving its political and military strategy “delayed for a full year the mobilization of an international humanitarian response in any sense commensurate with the need” (Minear 2004, 82). Political considerations and diplomatic concerns thus trumped humanitarian principles.

Shrinking humanitarian access in the context of the Darfur Peace Agreement

Mainly the GoS, but also the rebel movements, co-opted and influenced access of humanitarian assistance to Darfur, following military and political motivations. Relief could hence not be delivered solely on a needs-based scheme. A parallel can be drawn to the famine in Darfur in the 1980s, where “a variety of politically influential groups with a stake in prolonging the famine blocked the delivery of relief” (Keen 1994, 112). To explore the motivations of the actors involved, two phases with different situations of access will be distinguished. The first encompasses the period from 2004 until the Darfur Peace Agreement (DPA) was signed in 2006, and the second covers the period after the DPA. Access may have been impeded due to logistical, technical or security concerns, but here, the focus will be on the impediment of access due to the lack of political authorization.

The Humanitarian Ceasefire Agreement (HCA) of April 2004 and the Protocol on the Establishment of Humanitarian Assistance in Darfur (2004) led to a short period of improved access. “GoS restrictions on humanitarian access considerably eased” (UN DHP 07/2004, 1), allowing humanitarian access to about 60 percent of the IDPs. Regional diffusion, however, was still limited (*ibid.*).

Even though access had improved, it was still mostly blocked to rebel-held areas (Keen 2008: xxv), such as the rural Jebel Marra area, following a military logic (Jaspars 2010, 5). The rebels themselves sometimes blocked relief delivery to their area, motivated by “concerns that relief was being manipulated for military purposes” (Keen 2008, xxv). The GoS and, to a

lesser degree, opposition groups channeled aid with the aim to “reinforce locations of strategic military interest, (...), or (...) build support for one side or the other by giving rewards to allies, while denying them to enemies” (Kahn and Lucchi 2009, 2). Relief hence was not provided only on the basis of need, but rather with a bias towards government-controlled areas. This “bias reflected not intent (...) but rather circumstances on the ground, reinforced by government policy and pressure” (Minear 2005, 104). The GoS thus co-opted relief aid into its war strategy (Flint and de Waal 2005, 113; Macrae and Zwi 1994, 19).

The situation of humanitarian access, poor before 2006, deteriorated after the DPA was signed (HCDC 2006, 4). While fractionalization of rebels after the collapse of the DPA led to growing insecurity and corresponding increase in humanitarian need, access decreased (Belgasmi 2006, 243). Economic interests reduced humanitarian space, when “rebels split and then they all needed money, cars, satellite phones”, according to an aid worker. Relief for economic purposes by way of diversion had been co-opted since the beginning of the conflict, though just too small a degree, but had not changed the warfare dynamic to a greater degree (Kahn and Lucchi 2009, 2). After the DPA was signed, diversion increased and attacks on aid personnel became more frequent.

In 2006, 3.7 out of Darfur’s six million people relied upon some form of relief aid (Belgasmi 2006, 243). The conflict had increased in complexity, so that the humanitarian community faced the juxtaposition of at least four different conflicts (Weissman 2008, 1): First, the long-term conflict between the GoS and the rebels; second, another less frequently reported war between the Chadian and the Sudanese governments (Tubiana 2008); third, the fractionalization of rebels which led to inter-rebel fighting, “skillfully fuelled by the government” (Weissman 2008, 1); fourth, inter-militia fighting that was exacerbated by growing mistrust of the militias towards the government. All this led to a situation of instability and insecurity, incorporating general violence, banditry and diversion of relief, and kidnappings of aid personnel, in which humanitarian work could not be done effectively (HCDC 2006, 4). In the context of shifting alliances and command of regions or pieces of land, negotiating access was particularly difficult, as it was no longer clear who to talk to. Two interviewees mentioned that even the ICRC, traditionally an organization that negotiates access independently, was not able to negotiate access in

some cases, as there was no clear ‘leader’ to talk to. Due to the war strategy of the GoS, which not only disallowed relief to rebel-held areas but also humanitarian access in areas with fighting to avoid having witnesses (Kahn and Lucci 2009: 2), humanitarian access was more and more impeded.

Deteriorating humanitarian access after the ICC’s arrest warrant against the president of Sudan

On 3 March 2009, the International Criminal Court (ICC) issued an arrest warrant against Sudanese President al-Bashir because of atrocities committed during the Darfur conflict. One day later, the GoS expelled thirteen international NGOs without warning (ALNAP/HPG 2009, 1) and revoked the licenses of several local organizations (FIC 2011, 2). The humanitarian consequences were tremendous, with “health services for 1.5 million people [and] 50% of aid delivery compromised” (Wakabi 2009, 1068). The GoS accused aid organizations of having provided the ICC with false information, thus blurring the lines between NGOs and the ICC (Wakabi 2009: 1069). According to an aid worker, “the authorities got very suspicious of humanitarian neutrality.” Aid was thus co-opted by the GoS in its ‘winning hearts and minds’ strategies. As a consequence, negotiating access with Sudanese authorities became more difficult.

Due to the lack of access to the war areas, the aid agencies assisted IDPs within Darfur in large camps in supposedly safe areas. This turned out to support the GoS’s depopulation of land strategy in Darfur with its goal of freeing up the land for ‘Arab’ occupation, as a reward for their activities in the militias (Pantuliano 2007, 5). IDP camps were thus used to depopulate rebel-held areas. Hence “humanitarian responses had an impact on land tenure and settlement patterns” (de Waal 2009a, 9-26). Contrary to other conflicts, the GoS did not use refugee camps to get people under the control of the government. In some rare cases, it was reported that “rebels are using IDP and refugee camps as bases” (Kahn and Lucchi 2009, 2).

Thus, aid was co-opted in the war strategies of rebels and the GoS alike—the GoSS being more successful—and politically instrumentalized. Co-option of aid served both the GoS’ and rebels’ economic interests. Some UN agencies were co-opted by diplomatic concerns and hence did not publish sensitive data.

Limits of obstruction against humanitarian intervention

Due to a fragmentation of rebels and the growing grievances of the militias against the government, certain regions were out of the control of a constant authority, including the GoS. This shows that no actor was able to systematically manipulate aid in the whole of Darfur. The interviewees differentiated between regions that hardly seemed to be under the constant control of anybody in particular and cities that remained largely under GoS control. A senior representative of a humanitarian agency commented that it was “difficult to control a remote area in Darfur, even so for rebel groups”. This is very significant as about “eighty-six per cent of Darfurians are estimated to live in rural areas” (Mohamed and Badri 2004, quoted in Gross de Almeida 2008, 58). The reason is administrative and political “dysfunction [which] undermines any grand manipulation of the aid system” (Weissman 2008, 15). This insight challenges the common conception of seeing the GoS’ “manoeuvres [...] [as] demonstrat[ing] supranatural Machiavellian cunning at outwitting the international community” (Alex de Waal, quoted in Weissman 2008, 14). It can, therefore, be stated that both sides to the conflict co-opted and obstructed aid wherever they could, whenever it was possible, and by any means. Yet no specific actor had the power of obstructing aid systematically and everywhere.

Aid organizations experienced obstructionism differently depending on their type of engagement or religious profile. Their coping strategies in response to so-called security-related restrictions differed greatly. Retreating from protection and advocacy work and making their religious background known helped in counteracting obstructionism—even if aid agencies judged this negatively from a human rights and protection viewpoint.

Biased aid delivery according to ethnicity?

In war contexts, the question whether aid delivery is linked to ethnicity requires particular attention. When the majority of relief organizations arrived in Darfur in 2004, most relief agencies focused their work on the large unofficial IDP camps outside the major towns, as access to rural areas was difficult due to security and accessibility concerns (de Waal 2009: 8). Various ethnic groups lived in these camps: Impoverished ‘Arabs’ who had lost their assets

lived amongst the ‘African’ majority from various tribes (Weissman 2008, 3), victims of the conflict who had fled the atrocities in their villages. Some scholars criticized that relief excluded ‘Arabs’ from assistance, “demonising” them in general (FIC 2011, 10). FIC researchers stated:

[i]nexperienced relief workers naturally developed sympathies with their beneficiaries all of whom represented one side in the conflict. This combination of local sympathies and international demonization of the Arab groups associated with the Janjaweed inevitably meant that many humanitarian actors were not impartial and either ignored Arab groups or only referred to them in relation to their role as ‘JJ [Janjaweed militia]’ (ibid.).

‘Arabs’ did not receive as much assistance as ‘Africans’, even more so in the earlier period, as most of the relief workers interviewed confirmed. However, the reason was not the prejudice that ‘Arabs’ were “ethnic cleansers” and occupiers of the land of IDPs (Weissman 2008, 9), but rather the fact, according to the aid workers, that those with herds of camel or cattle were just not in such evident need as the ‘African’ IDPs. This was confirmed by an indiscriminate official needs assessment of the IDPs (WFP 2005, 1) and a senior aid responsible who stated, “when we did proper assessments, we always found out (‘Arabs’) were in less need.” It is true that ‘Arabs’ also have needs, “especially those without a dar” (dar means homeland in Arabic) (Pantuliano and O’Callaghan 2006, 22). Yet, “one fact remains: Non-Arabs have been killed in their hundreds of thousands and driven from their homes in millions; Arabs have not” (Weissman 2008, x). Hence, the claim that assistance was biased (Pantuliano and O’Callaghan 2006, 22) seems unjustified, considering that the situation of need was so different between those groups and that aid should be allocated solely according to needs.

[It is] easy to, let’s say, buy access to difficult areas when you help certain groups a little, even though you know they are less needy than others. When you know there are tens of thousands IDPs in need in Kebkabyia and you know that to arrive there you also have to help Arab groups on the way.

‘Buying’ access through the support of ‘Arabs’ mixes political and humanitarian concerns. Such strategies go against the pure humanitarian principles to deliver aid on the sole basis of need. They rather are “acts of

provision” (Macrea and Zwi 1994, 19), which means that aid is channeled away from the rebels through a counter-insurgency logic. Along this line, scholars tend to consider the inclusion of ‘Arabs’ as necessary for peace in Darfur. They argue that assistance should not marginalize ‘Arabs’ as not to fuel future grievances and to exit the vicious circle of neglect and counter-violence (Pantuliano and O’Callaghan 2006). While this certainly has its relevance in a peace-building logic, it goes well beyond the pure humanitarian logic that “humanitarian organizations will attempt only to mitigate the impact of a conflict – not to influence its course” (Macrae 2004, 30).

To assist the ‘Arab’ nomads in the context of humanitarian assistance in Darfur had been a political decision of the aid community for security reasons. This decision contributed to channeling aid away from the mostly ‘African’ rebel groups. The change in assistance strategies from the concentration of ‘African’ IDPs to the incorporation of ‘Arabs’ for security and political reasons demonstrates that ethnicity did play a role in the delivery of aid. Hence, aid was not delivered based on need alone.

Conclusion

The paper has shown that in the early phase of the conflict, aid had been co-opted by the diplomatic and political interests of the donors, the political and military interests of the GoS, and the economic and institutional interests of the relief organizations. All these interests went against an early emergency recognition in Darfur in 2003. Second, the paper demonstrated that humanitarian assistance was co-opted for GoS’ and the rebels’ military purposes. The former was more active and successful in instrumentalizing relief aid through “acts of provision” (Macrea and Zwi 1994, 19). It also used aid as means of keeping the “hearts and minds” of its own supporters.

The paper revealed “acts of omission” (ibid., 19) through the obstruction of relief operations and humanitarian access. The co-option of aid served the rebels’ economic interests. Humanitarian organizations were co-opted when they did not publish sensitive data, focused relief work mainly on IDP camps, and when they followed not only GoS’ instructions but also their own technical and logistical interests. This played into the hands of the GoS whose intention it was to depopulate rebel areas and to free up land from ‘Africans’ to reward ‘Arab’ militias for their participation in

the counter-insurgency. Contrary to what could be expected, ‘Arabs’ were largely excluded from aid following needs assessments that revealed their needs to be fewer than those of ‘Africans’ and not because of a demonization of Arab groups. This argument challenges current academic discussion (Pantuliano and O’Callaghan 2006) where it has been suggested that the recent targeting of assistance to ‘Arabs’ co-opted humanitarian work as it did not follow a humanitarian logic, but served security and peace-building motivations.

The paper demonstrated that neither the GoS nor the rebels have been able to manipulate assistance systematically, as some parts of Darfur are outside any direct and constant control of a specific authority. This insight challenges the argument that the GoS is an omnipresent and omnipotent actor in Darfur.

This leads to two types of policy implications. Humanitarian agencies affected by a high level of co-option by different conflict actors should make a clear decision whether the benefits they bring outweigh the influence they have on the conflict dynamics. Upon getting the impression that they are fueling the conflict and seem to be too heavily instrumentalized in a counter-insurgency strategy, they should consider a retreat from the area following the logic of the “do no harm approach” (Anderson 1999); well aware of the fact that such an exit-strategy might go against the institutional interests of relief agencies and their donors (de Waal 1997, 66).

The second aspect concerns the politicization of assistance that shrinks the humanitarian space as it “threatens the deal [based on humanitarian neutrality] between humanitarian organizations and the warring parties” (Macrae 2004: 32). It seems crucial that political and humanitarian work are disentangled more clearly. When a country does not take up its responsibility to protect its own citizens, it is the international political actors’ duty to do this, choosing their actions from the full array of measures, including interventions but at least constant political and diplomatic pressure and sanctions. Humanitarian organizations that get involved in politics while they provide aid risk to lose humanitarian access. Leaving the Darfurian IDPs under the responsibility of the GoS is perceived as a political failure of the international community. As a consequence, the lack of humanitarian access is a political problem and not a humanitarian one, confirming once again that “there are no humanitarian solutions to humanitarian problems” (Rieff 2002, 111). The separation of the ICC’s work and humanitarian

work has to be made very clear in a complex emergency such as Darfur as not to politicize assistance and fuel anti-relief sentiment which then leads to shrinking humanitarian space. The agendas of peace-building and stabilization, intrinsically political approaches, should be separated from humanitarian work to fight the politicization of assistance that impedes effective humanitarian endeavors. Humanitarian actors should, therefore, reaffirm their core principles of humanity, neutrality, impartiality, and independence.

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How can development cooperation contribute to peaceful conflict resolution in South Sudan?

Elisabeth Hartwig and Tinega G. Ong'ondi

After independence in July 2011, South Sudan is still facing serious inter- and intra-ethnic conflicts that lead to numerous deaths, the destruction of community assets and creation of a population of internally displaced people that threatens the very existence of the young nation. One of the main causes of conflicts in rural areas inhabited by agro-pastoralists is competition over natural resources, mainly grazing land, and water. These communities depend on their livestock for survival. Climate change, new administrative boundaries, and an expanding use of land for crop production contribute to a worsening of this competition. Moreover, small arms as a legacy of the long years of civil war are easily available. This legacy also includes the widespread use of violence, though tradition and civil mechanisms attempt to contain such vice. However, traditional values are more and more intermingling with the personal interests of the newly emerging social and political elites. Like inter-ethnic hostilities, clashes along intra-ethnic lines have become a common feature of the post-war situation in South Sudan (Schomerus and Allen 2010, 20).

This paper examines how local sustainable peaceful conflict resolution can be promoted and nurtured. It tries to answer the following questions: Which roles could traditional leaders and local government authorities play? To what extent are development initiatives contributing to dynamics that promote local conflicts? Based on the case of Gogrial East County in Warrap State, which is predominantly inhabited by the Dinka Apuk with the neighboring Dinka Aguok to the west, the paper focuses on conflicts at community level—at ‘intra-ethnic’ clashes and violence among Dinka sub-groups. (The county is predominantly inhabited by the Dinka Apuk with the neighboring Dinka Aguok to the west.)

In the rural areas of Greater Gogrial that are situated far from economic centers and where access to new resources like oil is difficult, cattle are the base for social and economic wealth. During dry season, grazing grounds and water are only provided by the fertile low-lying swamps of the Sudd

(*toc* in Dinka), which flood annually. Competition for these pastures is the main underlying cause for conflicts between Dinka sub-groups in Gogrial. In former times, the use of the *toc* on both sides of river Jur was controlled by the traditional leaders of the region; it was understood as being under the jurisdiction of the chiefs of the Apuk group. Inter-marriages were common among the two groups, and relatives could accept the herds of a related family for grazing during the dry season easily; while the family heads had to agree, the chief had to confirm that for the time of grazing the herders in the cattle camp would submit to the jurisdiction and verdicts of the area chief. They were perceived as guests (Ong'ondi and Simonse 2008, 12).

To apply the concept of 'traditional' leaders for the Dinka has been disputed a lot (Pendle et al., forthcoming). The Dinka had loosely organized communities led by spiritual leaders, the spear masters. Only with the British colonial government (1898–1956) were chieftaincies introduced in their efforts to reign through indirect rule. The 'traditionality' of the Dinka leaders therefore has to be questioned. However, before the first civil war (1955–1972), the system of chiefdoms was operating and accepted by the communities. Chiefs were in charge especially of arbitration in 'traditional courts', while the spear masters were in charge of ceremonies and rituals.

The institution of chieftaincy lost authority during the years of the civil wars; especially in the second; other elites, such as the SPLA and army commanders and militia leaders took over the power of decision. Young people—pressed from the cattle camps to serve in the army or fighting for survival in the refugee camps—learned to obey the orders of different authorities. After the Comprehensive Peace Agreement (CPA), local government institutions and local parliaments (councils) took over, as laid down in the Interim Constitution of Southern Sudan of 2005 (GoSS 2005) and the Local Government Act of 2009 (GoSS 2009). But the chiefs are still perceived as those capable and in charge of organizing the use of the *toc*. They are expected to be involved in negotiating peace agreements, finding solutions for settlements of conflicts between Dinka sub-groups, and controlling the implementation of agreements. They can rightly play this role as customary law is recognized in the national constitution (GoSS 2011, Transitional Constitution Chapter II Article 167). However, support is needed in re-establishing the traditional leaders' authority according to the stipulations in the Transitional Constitution (Hoehne 2008; Leonardi et al. 2010).

This paper looks into the interaction, interrelations, and conflicts between the Dinka sub-groups, the chiefs and other community authorities, and the newly emerging social and political elites in Gogrial. The paper also evaluates, under which circumstances and to which extent development initiatives contributed to dynamics that promoted local conflicts. Based on the analysis of the local constellation of interests and power, it examines how development agencies still can promote local sustainable peaceful conflict resolution. The analysis thus does not only look into the underlying causes of conflicts, but also into the collective actors taking part in conflicts and conflict resolution, their motivations, their identifications, and interests. The article confronts internal reports with insights in conflict resolution theory; it analyzes information collected in focus group discussions and individual interviews during peace meetings and local peace treaties.

In the analysis, concepts of dynamics and processes of conflict and ethnicized violence are applied to explain processes that take place at the intra-ethnic level. Collective identities are considered not as static, but as being formed in a process of identification and change over time (Schlee et al. 2009). Ethnicity thus is conceptualized as a social construct based on self-ascription and/ or ascription by others. Ethnicized violence may occur in ethnically diverse societies especially in a context of economic or other crisis, when individuals tend to seek refuge in ethnic identities (Basedau 2011, 5-6). This paper examines group dynamics based on the concept of groupings and groupness, considering “group making as a project” (Brubaker 2004, 40). This implies that groups are in a process and individual group membership is perceived as fluid; group members can belong to several groups within time and space with even conflicting goals—and will identify themselves as group member according to the situation or circumstances they find themselves in (Brubaker 2004, 35).

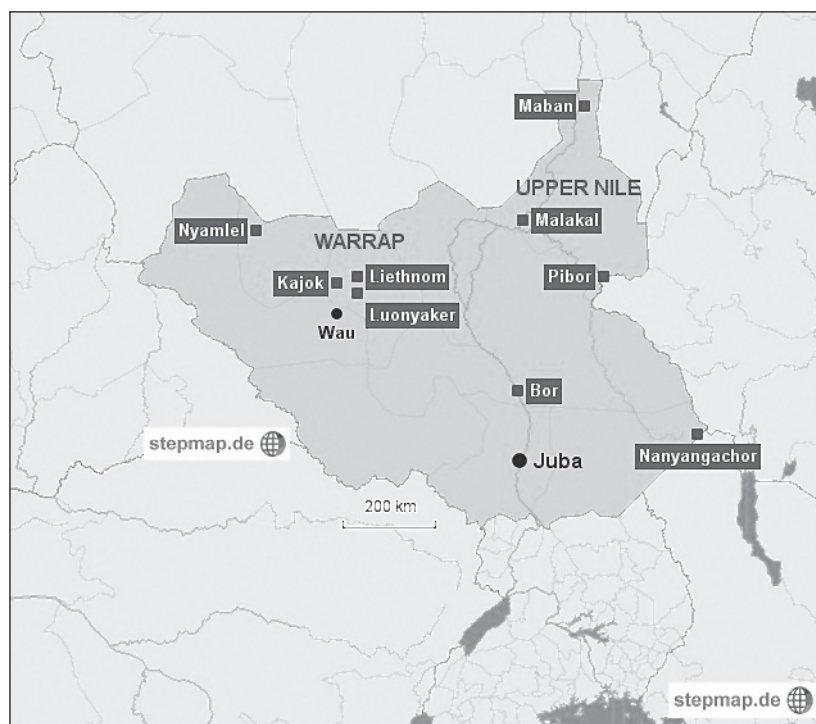
The article starts with a definition of the areas of conflict and moves on to present the most important actors involved before looking at chances development practitioners have to support peaceful conflict resolution.

Demarcating the boundaries and areas of conflict

With the CPA, Warrap became one of the newly formed states in Southern Sudan, bordering directly the North (South Kordofan) and the disputed Abyei Region. Whereas before the CPA, the counties of Gogrial East,

Gogrial West and Twic had formed one territorial unit, the Greater Gogrial, currently Warrap, has six counties, Gogrial East, Gogrial West, Tonj East, Tonj North, Tonj South and Twic. Gogrial East County shares boundaries with Tonj North, Gogrial West and Twic (see Map 3). Warrap State covers 31,027 km² with a population of approx. 972, 900 people, mostly belonging to the Dinka Rek and Padang ethnic groups, and the population of Gogrial East amounts to 103,280 (Republic of Sudan. Central Bureau of Statistics. 2008). The county forms part of the western flood plains; vast areas in Warrap State consist of the *toc*, which offer fertile grazing land during dry season from October to May. At the heart of Greater Gogrial meanders the river Jur, one of the tributaries of the White Nile. During the wet season, sorghum, millet, sesame, and okra are grown near to permanent settlements in drier areas known as *pathuon* (Pendle et al., forthcoming). People's livelihood is mostly based on agro-pastoralism.

Map 5: Warrap State in South Sudan



Source: VSF Germany.

Note: Marked villages are places of action of VSF.

The border between Unity State and Warrap/ Gogrial East/ West coincides with ethnic demarcations. The Nuer predominate in Unity State, the Dinka in Warrap. Before the war, Dinka and Nuer relations were often not very friendly, since they were competing for the same natural resources—water and grazing grounds. Cattle raids from both sides were common. Within Dinka communities, cattle raiding was held in high esteem: The young men of a cattle camp from one group raided cattle from the other to give proof of their manhood. Raids and counter-raids usually took place during the dry season, when the Jur river can be easily crossed and the *toc* is shared. The real bloodletting friction started in 1991, when the SPLA split along the same ethnic lines. Attacking and killing of women and children—a war crime often committed during the civil war—was now transferred to conflicts between ethnic groups (Hutchinson 2000). Immediately after the end of the civil wars, without the common enemy in the North, ‘old’ conflicts surfaced once more, not only between ethnic groups, but within sub-groups. Politics of decentralization contributed further when coinciding with Dinka sub-group demarcations. A big part of the *toc* of the river Jur that initially belonged to the entire Greater Gogrial became part of the newly formed county Gogrial East—a cause of worries for the Dinka groups living now in Gogrial West and Twic, the Aguok, Kuac, Awan, and Twic as they feared that the Apuk would cut off this lifeline.

Thus, political administrative boundaries affected the livelihood of the population and put pressure on the relationships between the communities. ‘Lessons learned’ during the war were transferred to violent conflict resolution between the warring groups—women, children and the old were attacked, at times even killed, and property looted (Otto 2007, 5). Firearms are still widely used (Allen and Schomerus 2010, 9), despite several attempts of disarmament (see Kahl 2011). People argue that they must keep their guns in case the conflict with the North (Sudan) aggravates once more, but do not hesitate use their weapons in small clashes, especially when alcohol consumption is involved.

During the dry season, cattle camps are established at the *toc* of the river Jur. Usually, three categories of people populate these camps: Young males who offer protection to the camps and animals from raiders (*titwengs*), with a *majokwut* as the leader of the cattle camp, who most often is a well respected senior youth. Old women tend to the children who are there for milk; the female youth are in charge of milking and cooking for the male

youths. Chiefs visit the camps from time to time. The male youths carry out raids, usually on other sub-groups' animals, to enrich the stocks. The girls encourage the raids as they sing and praise the youths who made brave raids and they honor those killed as heroes of the community.

Initially, raids were seen as an act of the community, as raided animals were shared and needed the blessing of traditional leaders, spear masters as well as chiefs. Of lately, cattle camp youths have staged raids and revenges against the chiefs' and local government officials' will. Cattle camp youths are more than others disappointed with the 'peace dividend' they had hoped for and think of themselves as the true 'lost boys'²⁹. Those who participated in the war feel that they lost their years fighting while others in the diaspora, for instance in the United States, used their time to foster their education. While those few who do come back are very likely to get well-paid jobs in the government administration, those who return from refugee camps have learned different survival skills, are more business-oriented and consequently more apt to earn a living in the informal sector of the markets mushrooming all over the county. Their uneducated brothers have to make do with the cattle camp, are frustrated and therefore full of tensions and aggressions. They face inequalities of power and status directly and identify themselves as a specific group with their group identity based on their deprivation and marginalization (Zartmann 2004, 143). They are confronted with extreme changes in their social environment. During the war they witnessed fathers' or chiefs' helplessness when maltreated by warlords or commanders of the SPLA. Back at the cattle camp, they as youngsters have no say in decisions on cattle or family wealth. Dowries have to be paid; families still are indebted for marriages agreed upon during the war. Consequently the price for cattle is on the increase; cattle raiding is no longer a means to prove one's manhood but to get access to capital—social as well as financial. All these issues add up and contribute to conflict dynamics and escalation. Therefore, it is absolutely necessary to include the cattle camp youths into any attempts of peaceful conflict resolution.

²⁹ 'Lost boys' usually is the label for young refugees who walked from the Ethiopian refugee camps to Kenya when the Ethiopian resistance front removed the military regime in 1991. The Kakuma refugee camp hosted these boys, of whom many were resettled to northern America.

CoTAL as an institution of conflict resolution

The Council of Traditional Authority Leaders of Warrap State, the CoTAL (COTAL 2008, Article 1), has the mandate to take lead in collectively resolving conflicts. The local government administration consequently encouraged CoTAL to lead the process of agreeing on the use of the Jur river swamps peacefully in 2011. CoTAL mobilized all traditional leaders heading the three communities to discuss on how to share the pastures in the dry period. Part of the agreement was that chiefs should stay in the *toc* to be able to solve emanating conflicts immediately. "We have left matters of security to youths and now we stay in towns waiting for salaries (...) We must once more do our duties to guide the youths on how these resources belong to all of us and we must share them," stated Chief Morris of Majok Boma, Gogrial East, in February 2011.

Any sustainable conflict resolution at intra-ethnic level must coordinate action between 'old' structures of governing (traditional chiefs, traditional courts) and new local government structures. Unfortunately, the Interim Constitution and the Local Government Act remain relatively vague in defining their relationship apart from recognizing customary law. In almost all the ten states of South Sudan, CoTAL remains under the state government for funding, jeopardizing their independency.

The local government administration and traditional leadership represented by CoTAL cooperate with the organized forces (police and army). The three commissioners of Gogrial East, Gogrial West and Twic used government resources to logistically organize peace meetings; traditional leadership provided much needed moral authority to commit the community to the signed agreement, while the organized forces ensured authority to pursue criminals within the laws.

Women's and new elites' contribution

Besides these formal institutions, there are certain social groups with a particular interest in conflict resolution. One group are the Dinka women who faced a multitude of changes in their community roles. During the war, they often remained behind taking over all responsibilities of family heads, while husbands and sons joined the fighting. They were vulnerable, were abducted and sexually harassed. They had to suffer the loss of husbands

and sons through the war, and their younger children during attacks against the civilian population. As a result of the war, the number of female-headed household has increased; widows have to look for means to ensure the family's income. They have witnessed that men's habits learned during war times do not change back. Before the war, it was a taboo to touch women and children during a cattle raid, but now they also are attacked. Against this background, middle-aged and elderly women groupings have formed to promote non-violent conflict resolution and mediation.

The second group are the new elites. Due to the war, power structures in the local communities of Greater Gogrial had changed. Militias and commanders took over power whilst chiefs lost their authority. After the war, the government of Southern Sudan nominated governors who in turn appointed office bearers for the local government administration. Often, these appointees are not too well respected in the communities. Relationships and connections established within the SPLA still play an important role in the newly founded governmental institutions at all levels; the direct link to the Juba government can be crucial in appointments. Ex-combatants all over Southern Sudan and still, after independence, in South Sudan, claim their peace dividend while the ex-commanders have access to it. They are the ones who received well-paid posts in government and administration. Only some of the young people, who received a higher education while in the diaspora, are prepared to come back. They form a different part of the newly emerging elites, being more than others out for peaceful conflict resolution.

Support for peaceful conflict resolution

From 2006 to 2009, the post-war community based Recovery and Rehabilitation Project (RRP) aimed to improve living conditions, enhance economic growth, and develop increased food security amongst more than 100,000 civil-war-affected rural households, including returnees, in Gogrial East County. *Vétérinaires sans Frontières* Germany (VSF G) was entrusted with its implementation (Duehnen 2006). Local government authorities and the administration of Gogrial East County as well as Southern Sudanese NGOs were main partners. The project faced severe insecurity caused by hostilities between the Dinka Apuk and Dinka Aguok sub-groups. On request of the local authorities, VSF G proposed to include a conflict

resolution component into the project (Hartwig 2009), and initiated an independent assessment of the main causes for the conflict and chances for a peaceful resolution (Ong'ondi and Simonse 2008). A follow-up project concentrating entirely on food security, the Productive Asset Recovery and Institutional Strengthening-Project (P.A.R.I.S.) (Minari 2011; Hartwig and Ong'ondi 2010) included this component right from the beginning. From November 2011 onwards, the Food and Agriculture Organization of the United Nations (FAO) supported peace-building activities in the Greater Gogrial area.

Aid agencies as party to local conflict

As of around June 2006, the feuds between the warring Apuk and Aguok Dinka sub-groups erupted once again. In 2007, a group of young 'warriors' of the Aguok attacked Lietnhom, the newly established capital of Gogrial East. The young men certainly were no longer after cows as they burned the county commissioner's residence, large parts of the town market—and for the first time entered the compound of an international NGO, World Relief. They burnt down the drug stores, obviously targeting the medical supplies. This act, where conflict no longer targeted cattle raiding but aimed at destructing properties, especially NGO infrastructure, sent a warning to existing INGOs of the possible new face of a traditional conflict (Otto 2007, 1–3; Ong'ondi and Simonse 2008, Annex 3). An assessment VSF G initiated after the incidence showed that the conflicting parties did not perceive the INGOs working in the area as non-partisan. NGOs with camps in Luonyaker and Lietnhom were seen as supporting the Apuk, NGOs working on the other side of the river Jur were perceived as working in favor of the Aguok. The newly established county borders contributed to aggravating the differences: RRP for example concentrated on Gogrial East; other programs were active only in Gogrial West. Some of the cattle camp youth leaders put it quite clearly: "If we see you collaborating with the other side, if we see that you are their friend, you are our enemy as well" (interview with a cattle camp youth leader in 2007). Thus donor-coordination, well meant but not well enough communicated to the 'target groups' of development interventions, contributed to a fueling of conflicts.

Hostilities among communities along intra-ethnic lines are often based on 'old' conflicts for resources, and worsened by cattle raids. They are easily

aggravated by current efforts of local government reform. International NGOs active at grassroots level are perceived as partisan. Efforts in regard to conflict resolution therefore must involve all conflicting parties—if necessary also across boundaries. For the follow-up-project in Gogrial East, and from its beginning, VSF G consequently included peace activities for all Dinka communities that share the water and grazing ground of the river Jur swamps, including not only the clans from Gogrial East and West, but also those from Twic County. At the same time, VSF G stopped taking sole responsibility for peace activities and handed over to CoTAL, the Council of Traditional Authority Leaders of Warrap State.

Participatory conflict resolution

In 2011, the local government of Gogrial East once more noted tensions at the *toc* between the youths of Apuk and Aguok. After consulting the Gogrial West counterpart, a peace conference was held in February 2011. Over 200 traditional chiefs, cattle camp youths, military personnel, and three county commissioners and other community leaders gathered at the *toc* for five days. At the end, a grazing agreement was signed between the three communities of Apuk, Aguok and Twic of Twic County (Ong'ondi 2011).

CoTAL was the host of all activities while VSF G only supported technical inputs; the chairman was a special counterpart. During frequent informal discussions, means of peaceful conflict resolution were pointed out and clarified. The consultations ensured trust-building and local leaders' (including paramount and area chiefs') capacity-building. The commissioners of all participating counties were also prepared through informal talks. The fact that traditional authority leaders and the cattle camp youth had to be involved was also discussed. VSF G supported community sensitization in Gogrial West.

A group of Aguok and Apuk women, both elite and illiterate, had been formed already in 2007 to persuade sons and communities to abandon violence, calling themselves *Akac Akac* ('Enough is enough'). Akok Achuil, leader of a county women group and member of the *Akac Akac* group, participated in the meeting in February 2011 and called out, "Our sons are killing their in-laws as our daughters watch their brothers killing their husbands in name of revenge, please let us end this with our independence" (Akok Achuil, 2011). Cattle camp girls indicated that

intermarriages between Dinka sub-groups favored peace; various youths intermingled freely in the cattle camps and courtships started this way, “We, the youth, have no problem with our brothers from the Aguok, it is our people who make us fight and leave us suffering (...)” (Member of the Akac Akac group, 2011). VSF G has collaborated with the Akac Akac peace movement since the end of 2007, making sure that the young girls’ voices were heard during the peace meeting in February 2011 and later on during the youth peace meeting in Kuajok in March 2012.

The youths forced the leaders of the peace meeting in February 2011 to change the venue of the meeting to near the cattle camps; they demanded a prolongation of the debate by two days, and reported how the leaders contributed to the conflict. VSF G convinced traditional leaders and local government authorities to accept the youths’ participation and made sure that they were allowed to speak out during the meeting. The young people questioned the traditional chiefs’ effectiveness in conflict resolution and the local government authorities’ influence. Many youths raid cattle and counter revenge in total disregard of traditional arrangements. “We don’t need chiefs in taking back our animals from the enemy (...). They fail to return our animals telling us to respect government security—which security when we are killed and our animals are taken?” queried a cattle camp youth during the meeting in 2011.

The strong involvement of the cattle camp in the clashes led to the insight that peace-building had to focus more on the cattle camp youth. Later on, a Greater Gogrial youth leaders’ workshop on peace was held in Kuajok. It brought together 25 youth leaders to continue the dialogue that started in February 2011; the main outcome being an action plan for future joint activities (Pendle, Assessment for Project Proposal, 2011, 12-14).

Conclusion

The conflict analysis shows clearly that all actors at local level have to be included in peaceful conflict resolution, beginning from the local government and administration and the local armed forces to women, cattle camp youth, the different competing elite groups, and civil society. It reveals that it is important to respect local people’s livelihood structures and support ‘traditional’ arrangements for conflict resolution, especially through reinforcing the traditional leaders’ authority. It is of outmost

importance to strengthen and encourage home-grown solutions to local conflicts. It is necessary to strengthen the role of women in conflict resolution. Positive as well as negative aspects of the role of the new emerging elites have to be well analyzed and need to be considered. The focus must be put on the youth; those young women and men with high hopes for their future and therefore expecting more than any other group of gaining access to their own peace dividend. Development practitioners can only play a supportive role in bringing these stakeholders together.

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 Wundior Deng, Nyarmong Section, Apuk Community;
 Youth leader, cattle camp;
 Baak Deng, of Aguok Community, Gogrial West Youth, cattle camp;
 Paramount Chief Ngor Thiep Thiang, Panacier Boma, CoTAL Leader;
 Akok Achuil, Akak Akak;
 Akech Deng, Aguok Section, cattle camp girl.

Post-war governance and the impact of international aid in South Sudan

Sarah Lykes Washburne

The new era in South Sudanese history, brought about by independence in 2011, has highlighted the various challenges of post-conflict peace-building and governance. One issue is that of government legitimacy within the post-war socio-political sphere. Within this sphere, the impact of international non-governmental organizations (INGOs) and UN agencies on public support for the nascent government has come into question. During the war, these organizations were nearly the only source of welfare as the ability of the local communities to provide for their livelihood was seriously jeopardized by the incessant fighting. While the provision of humanitarian aid was necessary for the survival of many of the war's victims, the role that this aid played in the conflict came into question. It is argued by many that the aid was manipulated by the warring factions, on the one hand, and that it created an unhealthy level of dependence on part of the local communities on the other.

One issue which has been overlooked, however, is the dependency on aid by the warring factions. Since various armed groups have been able to manipulate the flow of humanitarian aid, support for these groups became dependent on how this manipulation affected the South Sudanese communities. In other words, the ability of the Sudan People's Liberation Movement (SPLM) to 'bring in' aid helped it consolidate support while not having to really do anything at all to support local populations themselves. However, as the SPLM moved firmly into the 'legitimate' side of politics during the interim period, its relationship with and role as the provider of goods and services to the populations it claimed to represent came into question. The old mentality of letting outside actors take care of the welfare of the community prevailed during this six year period in which the SPLM ruled autonomously over South Sudan, and this was detrimental to the image of the party and, by extension, the stability of the nascent government and new country. The long-awaited independence of South Sudan has come and gone, yet the government is still unable to provide for

the basic needs for the South Sudanese. This has serious implications for the long-term stability of the country.

This paper examines the effects of external actors on the political legitimacy of the SPLM. The two primary questions this chapter seeks to answer are first, how the legacy of war-time humanitarian aid affected the mentality of the new government and, second, what the perceptions of local communities tell us about the distrust between the government of South Sudan (GoSS) and the South Sudanese. This paper approaches this problem by utilizing political theories concerning legitimacy. Next, a brief background of the conflict, and the problem of humanitarian aid, will set the scene before delving into the challenges that the SPLM faced during the interim period. Finally, interviews conducted in remote communities will highlight how the SPLM dealt not only with the legacy of the civil war, but with the challenges of constructing governance at the local levels of government. The research presented here was very much dependent on providing a first-hand account of how societies react to the creation of governance in a post-conflict setting. The findings from this analysis shed light onto the shortcomings of the government as well as provide recommendations for the improvement of governance and stability in South Sudan.

Legitimacy and foreign aid

Legitimacy is defined as a situation where the ruler and the ruled accept a particular division of power over the state. It involves “the capacity of the system to engender and maintain belief that the existing political institutions are the most appropriate ones for the society” (Lipset 1960, 77). The concept of political legitimacy as a state-centric means of analysis can be traced back to Max Weber (Weber 1947) whose social theories looked to explain the basis of legitimacy of political authority. Building upon Weber’s analysis, Easton (Easton 1965, 287–304) develops three categories of legitimacy: Ideological, structural, and personal. *Ideological legitimacy* is concerned with moral convictions about the validity of the regime and the authority roles. *Structural legitimacy*, also known as ‘democracy’, examines the independent belief in the validity of the structure and norms and, thus, the roles of the authorities operating in such structures. Finally, *personal legitimacy* rests upon the charisma of an individual leader.

Gianfranco Poggi (1978, 132–34) contends that there are new political problems in the post-liberal state, which are not accounted for in these traditional conceptualizations of political legitimacy. He writes, “some institutional premises and expressions of legal rationality become eroded (...). Second, some developments displacing the state/society line increase the political leverage of social forces” (ibid., 132). As such, the state looks for new ways of generating legitimacy. This adds another category of legitimacy to the framework: ‘social eudaemonic’—states seeking legitimacy by assisting the economic system, delivering merit goods and services or providing for national security.

In some respects, an insurgency movement such as the SPLM during the 1980s and 1990s may be said to have a sort of ‘pre-legitimacy’ since it is acting like a state-in-waiting. This ‘revolutionary legitimacy’, according to Claire Metelits, is the “popular acceptance based upon the hope that it [rebel movement] will deliver as expected by the people” (Metelits 2004, 67). As a rebel movement makes the transition to a political party in a post-civil war setting, securing legitimacy becomes all the more of an imperative for the group’s leadership. This transition, however, is often littered with problems as the group struggles to shift from a militaristic to a civilian ethos. Jeroen de Zeeuw maintains that the key factor of a successful end to war is the ability of a rebel group to transform itself into a ‘normal’ political organization. At the same time, this is one of the most difficult peace-building challenges since it “compels former rebel leaders to change their military struggles into political ones and to reorganize their war-focused military organizations into dialogue-based political entities” (de Zeeuw 2008, 1). If a group continues to rely on this revolutionary ideology after power is won, the new leaders will be unable to deliver on development and governance promises.

The SPLM initially gained legitimacy in South Sudan as a rebel movement claiming to represent the will of the South Sudanese. Upon signing the Comprehensive Peace Agreement (CPA) with the government in Khartoum in 2005, it struggled to shift from an insurgency group to the legitimate leader of a legally recognized government. One problem that sullied the group’s ability to undertake appropriate government was in the area of development and humanitarian aid. This shortcoming can be traced back to how the group interacted with the foreign aid community over the course of the civil war. It also has significant implications for the SPLM

as it has attempted, mostly unsuccessfully, to establish governance in rural South Sudan.

The history of the formal relationship between the SPLM and the foreign aid community began in 1989 with the implementation of Operation Lifeline Sudan (OLS). OLS represented an attempt, for the first time in the UN humanitarian history, to deliver aid to both rebel- and government-held areas in a civil war. In spite of this novelty, OLS was not without various shortcomings. Volker Riehl (2001, 4) quite succinctly summed up the problem of OLS when he asked: “Is New Sudan actually the first NGO-istan?” Indeed, during the war UN and INGOs working under the umbrella of OLS were responsible for providing most, if not all, of the welfare to the South Sudanese, both outside and inside the country. War conditions and the SPLM’s prioritizing of military affairs over civil ones were partially to blame for this. Jooma writes, “the vacuum created by the weakness of the SPLM structure for local governance was partially filled by individuals and NGOs” (2005, 15). While the international community, under the auspices of OLS, became increasingly responsible for the South Sudanese population, the SPLM undertook a widespread manipulation of aid. While the failures of OLS will not be discussed here, and indeed there were many faults (Keen 1994; Minear 1991), of concern is the effect the operation had on the status of the SPLM. First, the manipulation of aid enabled the SPLM to maintain a degree of control over ‘liberated’ territories. Second, the confiscated food aid helped the movement to feed its soldiers. Finally, and perhaps most importantly, OLS as an institution provided the SPLM with international recognition.

The first two issues, which stem from the ability of the SPLM to control the influx of aid, are normally seen as a negativism. This practice, however, also made local populations dependent on the SPLM, which enhanced the movement’s patrimonial tendencies. This observation normally employs an institutional-level perspective. At the local level, control of aid often benefited local leaders. Findings from research by the author in Eastern Equatoria (2004) revealed that local authorities significantly increased their standing among the local population through their ability to ‘bring in the UN’ (and, subsequently food) into their town or area. This helped to strengthen the status of local leaders. Though these leaders were often affiliated with the SPLM, the extent of SPLM influence over local administration is somewhat debated (Rolandsen 2005; de Waal 1998). Simultaneously, OLS

gave legitimacy to the insurgents. That is, rebel commanders used OLS negotiations to gain status as legitimate holders of power over regions or civilian populations (Anderson 1999, 50–51). This legacy of relying on foreign organizations to provide for the needs of the local populations, however, would have paralyzing effects for the consolidation of SPLM's legitimacy during the interim period and after independence.

The SPLM, foreign aid and governance since 2005

The ability of the SPLM to provide for the people of South Sudan was a test of its new political responsibilities and would (if successful) enable the GoSS to develop legitimacy. As the former United States Envoy to Sudan Andrew Natsios has observed, “[t]he legitimacy of the new government will be judged in part by its ability to deliver needed services to its people” (2005, 94). In this respect, institutional shortcomings precluded such advancement. Overall, there was no coherent effort on the part of the government to initiate social welfare projects on its own. This has led to considerable instability in rural areas and threatens to turn the country into a failed state. This section examines this challenge of legitimacy through both an institutional and individual analysis, highlighting the post-conflict reconstruction needs of the populace; the government attempts to address these needs; and the over-reliance by the SPLM and the GoSS on international agencies.

The state of the poverty and underdevelopment in South Sudan presented a massive challenge to the new government. When the GoSS was formed, it committed itself to achieving the Millennium Development Goals (MDGs) set out by the UN as means to measure its success in addressing the chronic poverty and underdevelopment. A report on the MDGs in Southern Sudan, published shortly before the signing of the CPA and based on the available statistics, presented a grim picture of South Sudan's then status in the attainment of the MDGs (New Sudan Centre for Statistics and Evaluation 2004). Towards the end of the war, 98 percent of the population lived in rural areas, 90 percent lived below the poverty line, and less than one-third had access to clean drinking water. The child enrolment in primary schools was 20 percent and girls only made up 27 percent of this. The literacy rate was at 24 percent, the lowest in the world after Niger. Most schools were held outside, under trees, and health clinics were stocked with basic

medicines. Thus, the government's job of providing for the populace was complicated by these low socio-economic indicators.

For their part, many politicians in the GoSS realized the shortcomings of the government in addressing vital socio-economic problems, though they would seldom say so in public. On rare occasions, GoSS officials accepted blame. In his speech at the SPLM National Convention, Salva Kiir admitted:

(...) we have not realised the aspirations of our people. Why? Peace, comrades, has no meaning without providing our people with their basic needs...Our people want shelter, health care, education, clean drinking water and decent means of livelihoods. They want to know how efficiently we have used the resources to meet those needs. That, with regret, did not happen. (2008, 22–23).

As with many GoSS officials, Kiir tended to excuse the low level of achievements on the grounds that he and his government were starting from scratch, beginning development from zero (*ibid.* 2009). At the same time, the government looked past its own institutional shortcomings, preferring instead to rely on help from the international aid and development community.

As the SPLM moved firmly into the 'legitimate' side of politics, it needed to switch from a reliance on external to domestic support to consolidate legitimacy. Clearly, the ability of the political party to provide for its citizens after two decades of war was a complex task. One aspect of this transformation was switching the SPLM's legitimacy from an ideological-bent perspective to a social eudaemonic one. At this point in the SPLM's history, the party was struggling to shift from appealing to international actors towards domestic communities. However, in enhancing this legitimacy, help from foreign aid groups was necessary as the government lacked the capacity to implement humanitarian and development projects in the rural communities. This raised a problem: The independent humanitarian and development efforts detracted from the SPLM's and the GoSS's own reputation for capacity-building. The UN and INGOs adopted the role that the government should have assumed in caring for the populace. There was a massive influx of aid organizations into South Sudan following the signing of the CPA. While the aid was vitally needed,

considering the ineptitude of the government and the massive development challenges, long-term effects of aid dependency were also a concern.

Branch and Manipilly (2004, 10) see two possible negative outcomes of the influx of foreign aid into South Sudan. If the local administration had little control over aid, this could lead to a loss of legitimacy and capacity of local political authority. The opposite scenario could see political and militia groups inserting themselves in between the donors and recipients; this kind of manipulation was experienced during the war. They write that government officials needed to find a balance between two contradictory imperatives: On the one hand, a recognition that a degree of foreign aid would be necessary, if the local administration were not to lose support, due to popular dissatisfaction with continued poverty and lack of services; on the other, the understanding that a long-term dependence upon foreign aid might undermine the social and political coherence of South Sudan. This warning was also given by Jooma who writes that in “the context of rebuilding it will be essential for the GoSS to co-operate with international donors and agencies, without allowing state ownership of the reconstruction agenda to be weakened” (2005, 16). However, within this context there was always the probability that the government, preferring not to address its shortcomings during the interim period, would become dependent on aid agencies. It was easier to focus governmental efforts on military build-up and let the international community take care of the welfare of the populace. While aid agencies profess to have “a strong rhetorical commitment to strengthening local institutions,” according to Minear, “the humanitarian enterprise has proven itself better at delivering life-saving assistance than at strengthening local capacity” (2005, 55). In South Sudan, this reality led to a dependency on international aid and development organizations.

The dependence upon foreign development aid and, by extension, the priorities of donors weakened the sustainability of the GoSS’s ability to undertake projects and uphold its own institutional capacities in the delivery of services. The institutional capacity of the government was not effective enough for the delivery of welfare. Further, the dependency on international organizations left doubt as to whether or not the government would be able to expand its capacity so as to eventually take responsibility for social welfare projects from these international aid agencies. Abbink (2004, 6) reinforces this concern, writing that the “danger of massive NGO and donor-country onslaught (...) is that local people are bypassed and

urged to follow foreign agendas.” At the same time, the populace begins to see these foreign agencies as their providers, as opposed to the government. The product of all of this is that the government lacks a key characteristic of a sustainable state, namely legitimacy. When this occurs, there is not only political instability, but also violence of the kind seen in Jonglei State, namely cattle-raiding and inter-communal violence.

Perceptions of SPLM rule in South Sudanese counties

The perceptions of the South Sudanese reveal what effect aid dependency might have on the long-term viability of the GoSS as a representative government. Local insights provide an appreciation of how the population understood the role of the government vis-à-vis providing for their general welfare. The county level provided the greatest opportunity for interaction between the government and the local population. The responsibilities of the government at this level included the provision of security and welfare but these activities were limited due to financial and capacity constraints. One such example comes from Akobo County. The commissioner’s office itself was ill-equipped and had been given a grant for renovation from USAID, channeled through a local NGO. The main link between NGOs and GoSS there was the South Sudan Relief and Rehabilitation Commission (SSRRC). In theory, the local population would make appeals to the SSRRC office; then the staff would go to the state SSRRC office, which then passed them on to international NGOs. In actuality, the process was not effective, and poor security prevented SSRRC officials from travelling into the surrounding communities to assess needs. Interviews confirmed that members of the community made direct appeals to international NGOs and community-based organizations (CBOs) instead. The UN presence in Akobo County was limited to World Food Programme (WFP) food distributions and the United Nations Mission in South Sudan (UNMIS) visits during civilian disarmament operations. INGOs included the Carter Centre, International Medical Corps, and VSF (Vétérinaires Sans Frontières). National NGOs were also present and funded by foreign donors. Interviews with the staff of these NGOs revealed that these aid organizations were the main providers for the health, education, food security, peace-building, and water and sanitation projects. The county government itself often appealed to these organizations for help. The renovation of the commissioner’s office was one example.

Lack of communication between the state and county governments also limited the functioning of the county educational staff as they had to travel over impassable roads to the state capital, Bor, to receive salaries and instructions from the government. While UNICEF provided materials, the local government was unable to build new schools, thus encouraging local communities to do so on their own initiative. Another area taken over by aid organizations was in the realm of security, as NGOs were the main impetus for reconciliation and peace-building activities.

The lack of capacity of the GoSS had serious consequences in terms of public support. Traditionally the Nuer in this community had been resistant to outside authority, and Akobo County was an area that had an uneasy relationship with the SPLM during the war. The county government had very little authority within the area and had to rely on tribal chiefs and elders to implement its policies. Support for the government would be very tentative if people did not see the results of peace, namely, development and improvements in their own livelihoods. While many knew that the government was present, a lack of civic education meant that few in the town were aware of the government's role and expected the government to act as the UN and NGOs had during and after the war. They did not feel that the government had done this at all. As such, there was more of a tendency to go to the international aid agencies for help rather than to the county or state governments.

Many in this area had high expectations following the signing of the CPA; the GoSS was unable to live up to these expectations. This was especially true with the recent returnees who said that government officials had lied to them about the services and infrastructure in Akobo town so that they would return for the census. Others were more forgiving, however. One respondent likened the GoSS to a baby that has to be propped up to be able to walk. It was propped up by the international aid community. However, he continued, once organizations began to leave these responsibilities to an ill-equipped government, a government that cannot walk will not have any support from the people. All in all, the main observation from the various interviews was that the citizens were not willing to support the GoSS and the SPLM as long as nothing was done to improve their livelihoods. Moreover, this issue was far more important to the local population than the holding of elections.

Outside of the town, in the lowest administrative units of payams and bomas, the support for the GoSS was even less. Outside of Akobo Town there was virtually no NGO or UN presence at all. There were a few primary care units (PCUs) and outdoor schools funded by World Relief and UNICEF, but in some villages, there had not been any UN or NGO presence since 2005. This means that at the lowest levels of governance chiefs and elders remained the only authority while the international aid community remained the only provider of welfare and peace-building. In terms of legitimacy, the government had very little standing in Akobo County. This led many to comment: “The war has not ended for us yet” (Nuer male, Burwil, Jonglei State, 8 June 2008). For the respondents, however, the lack of legitimacy was not the result of a need for a democratic system of governance. Instead, the main issues that were mentioned time and time again were those of welfare and security. If these problems could be addressed, then support for the government, and subsequently SPLM, would increase dramatically. As it stood, however, the SPLM’s legitimacy and government stability faltered on the eve of independence.

Conclusion

During the interim period, there were two major challenges to development. On the one hand, the expectations of the South Sudanese were too high. Many expected immediate changes in education, health, and infrastructure in their town or village. On the other, the capacity of the government at the local and state levels of governance was not sufficient to meet such expectations. As a result, international aid agencies, as well as local NGOs who were funded through international grants had to take on the role of a development and welfare provider in the more remote regions. This posed—and still poses—the danger of the international aid and development activities detracting from the long-term GoSS’s legitimacy and duty to provide for its citizens.

In the short-term, immediately after the end of the civil war, the United Nations and INGOs stepped in to provide aid and development to the people in need. This assistance had been necessary as long as the population continued to live in a precarious situation. Yet, in the long-term, capacity development of the GoSS is vital for the stability of the country. So in what way did the international community develop or hinder the capacity

of the government? What are the responsibilities of the international community towards the GoSS (and the SPLM)? As the most coherent political organization, the SPLM, which is at the head of the government, represents the South Sudanese population. If the SPLM were in some way side-lined, even by the United Nations or by public opinion, this could become a problem in the current pseudo-democratic, post-war setting. It is recognized by many within the GoSS that the government is currently at its infant stage and has a long way to go with respect to reconstruction and development. However, this does not mean that the GoSS should excessively rely on the international community because of shortcomings in its own capacity as this will inevitably lead to a lack of legitimacy, a rule in name only, especially outside of the major towns. The danger of lacking long-term stability and potential failure of the state is therefore quite real in South Sudan.

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List of interview partners:

- Commissioner of Torit County; Torit, Eastern Equatoria State, 14 April 2009.
- Coordinator for Peace, Reconciliation and Civil Society, NCA; Juba, 29 May 2009.
- County official; Akobo, Jonglei State, 10 June 2008.
- Deputy Director, County Education; Akobo, Jonglei State, 10 June 2008.
- Director-General for Religious Affairs, Ministry of Social Welfare, Gender and Religious Affairs; Juba, 5 June 2009.

Field Coordinator for Greater Upper Nile, PACT Sudan; Juba, 29 May 2009.

Eastern Equatoria State, 9 April 2009.

Minister of Social Development for Jonglei State; Bor, Jonglei State, 15 August 2008.

Six Nuer interview partners in Akobo, Jonglei State, 9, 12, 15, and 20 June 2008.

SSRRC County Director for Akobo County; Akobo, Jonglei State, 10 June 2008.

SSRRC Director for Western Bahr El Ghazal State; Wau, Western Bahr el Ghazal State, 3 July 2008.

The challenge of increasing the security of the people in South Sudan

Marius Kahl

In July 2011, South Sudan became independent after a six year long ‘Interim Phase’ following the 2005 Comprehensive Peace Agreement (CPA). Leading the new Republic of South Sudan (RSS) towards peace and prosperity is a challenge for the government and its foreign partners. The security situation in South Sudan has remained volatile after independence.³⁰ Much of the government and its security services’ presence cannot yet be felt outside bigger cities and towns. Many communities pursue their own systems of law and order, which are often detached from state structures (Berdal 2010, 7–11) to survive and govern themselves. Therefore, it is a prerequisite for the stability of the region and further state-building and reconstruction efforts to enhance security.

Post-conflict security promotion activities often focus on the requirement to maintain the survival of the state and might include Security Sector Reform (SSR), Community Security and Small Arms Control (CSSAC) and Disarmament, Demobilization and Reintegration (DDR) projects. Unfortunately, the track record of efforts by international assistance in this regard is somewhat limited. There has been a recurring failure to tailor approaches to local specificities. It has not been recognized that past and ongoing conflicts generate unique political, economic, security and development challenges, which cannot be addressed in a template fashion. The tendency to detach tasks of peacebuilding from the specific political, cultural and historical context (Berdal 2010, 19; Sedra 2010, 103) is worrisome.

To better target security promotion activities, the concept of ‘human security’ appears as an attractive concept. It underpins the concept of this article. Human security combines the goals of freedom from fear,

³⁰ It is not possible to present a fixed number of casualties resulting from community violence, cattle raids and rebel group-related activities from independence to the end of 2011. Estimates, however, are available. IPS reported, for instance: “At least 1,600 people died in 2011 in fighting between the Murle and Lou Nuer ethnic groups, according to the United Nations. Clashes continued into February [2012], killing another 400 people” (Tribal Wars Threaten South Sudan Again, 31 October 2012).

freedom from want with people-centered, comprehensive, context-specific strategies. Unlike other concepts of security, it offers a framework which allows to combine “top-down norms, processes and institutions” with “a bottom-up focus, in which participatory processes support the important role of individuals and communities as actors in defining and implementing their essential freedoms” (UN General Assembly 2010, 8). The concept facilitates the merger of security and development agendas (Colletta 2008, 21) and provides a normative reference point for the programming of projects aiming at promoting security and protection. Ideally, bottom-up and top-down approaches supplement each other (Muggah, Robert 2009, 16). In practice, the main challenge is to integrate bottom-up, people-centred approaches in the top-down approaches of enhancing national security. To strengthen this connection, the linkages between approaches to improve community security at the grassroots level and approaches to enhance national security must be better understood.

The case of South Sudan highlights the significant challenges inherent in integrated approaches. The low impact international interventions have had so far on security in South Sudan demonstrates that there is a need to explore alternative ways in which to develop sequenced and coordinated approaches to address the complex and inter-related factors causing post-war insecurity (Saferworld 2008, ii u. 2).

For the purpose of this contribution, a narrow definition of “security” is used, which refers to human security in the sense of freedom from violence, including criminal and political violence (World Bank 2008), and freedom from fear (Debiel and Werthes 2006, 11, 18). The individual at the local level is taken as reference.

The paper starts with a short overview of the security promotion activities since the end of 2010. Then, the three security areas are analyzed with regard to their interrelations and interdependencies. Finally, some recommendations are presented.

Security promotion in South Sudan

Many external actors are involved in SSR, DDR and CSSAC. They can be divided in four categories: donors who provide pooled funds, bilateral donors, bilateral implementing organizations, and international implementing agencies.

Table 6: Foreign actors in South Sudan operating in the promotion of security (late 2010–2011)

Actors	SSR			DDR	CSSAC
	Prison	SPLA	SSPS		
Combined donors / pooled funds	Multi-Donor Trust Fund (MDTF)		MDTF	MDTF South, Reintegration	Sudan Recovery Fund (SRF)
Donors	USA, Canada, Australia	USA, United Kingdom, Switzerland	USA, UK, Canada (START (Livestock patrol units)), Norway, Japan, Germany, Luxembourg	Italy, Sweden, Norway, Netherlands, Japan, United Kingdom, Germany, Canada (incl. in-kind support from DFAIT START)	Canada (Foreign Office), Netherlands, UK, Norway
Bilateral implementing organization [in () find main donors]		Dyncorps (USA), Adam Smith International (UK), Burton Rands (UK)	PAE (US), Dyncorps (US), Atos (UK), Adam Smith International (UK), GIZ (GER, UK, CAN), BlueForce	Bonn International Center for Conversion Advisors (GER), Pact Sudan (UK, NOR, Denmark), Joint Donor Office (Denmark, UK, Netherlands, Norway, Sweden, Canada), Price Waterhouse Coopers (Canada DFAIT START)	Saferworld (Canada, UK), Aecom (US), Pact Sudan (UK, Norway, Denmark)

Actors	SSR			DDR	CSSAC
	Prison	SPLA	SSPS		
International implementing organization	UNDP Police and Prisons Project, UNODC, UNMIS Corrections		UNDP Police and Prisons Project, UNMIS Police, UNFPA, UNHCR, UNICEF (special protection units)	UNDP (with different sub-implementing partners like GIZ, IS, FAO, IOM etc.), UNMIS	UNDP CSSAC Project, UNMIS

Note: Compiled by the author, based on field research in 2011 and 2012.

Table 6 shows that there are diverse and multi-layered activities as well as a multitude of actors operating with the aim to improve security in South Sudan. The following two sections describe how these actors and their approaches relate to and depend on each other.

Community security and small arms control

The legacy of the civil war and post-CPA conflicts are poor economic conditions, a weak infrastructure, widespread poverty and lack of jobs. The rural economy is based on subsistence farming and pastoralism. The abundance of small arms and light weapons (SALW), the erosion of traditional authority, practices of reconciliation and customary law (McEvoy 2010, 20) as well as inter-community violence are sources of community insecurity.

The RSS Ministry of Interior is primarily responsible for enhancing community security. There, the Bureau for Community Security and Small Arms Control (BCSSAC) with its offices at all levels of the government³¹ executes activities to achieve this objective. It aims to assist and empower communities so that they become able to identify measures to ensure their

³¹ The administrative structures in South Sudan are as follows: Boma (group of huts / living units) Payam (group of bomas) County (Group of payams; First level of state structures (e.g. County Commissioner) State (10 in South Sudan; level of state ministries; formal government structures) Central Government of South Sudan in Juba.

own security. BCSSAC also promotes the issue of SALW control as part of its mandate. It interrelates with activities of the RSS DDR Commission (SSDDRC)³² and works closely with the RSS Peace Commission. The communities are at the center of activities, and these therefore are mostly community driven. Bottom-up approaches give priority to the security of the individual and the community.

Community development approach

The main tools to enhance community security are *county consultations* and subsequent *conflict sensitive development projects*.³³ With this approach, communities become actively involved in tackling the roots of insecurity and small arms proliferation. The CSSAC agenda with its grassroots focus in fact interacts with top-down programs of SSR, which focus on national security through the strengthening of the security sector. In focus group consultations within communities at the county level (GoSS 2009) one or more specific projects per county—agreed upon by the focus groups (traditional leaders, the county authorities, women and youth)—were identified as to be implemented later, and US \$91,000 to 200,000 were provided for that. Until late 2010, county consultations were held in Jonglei, Warrap, Upper Nile, and Eastern Equatoria. UNDP (2010) identified the following needs and responses in two examples from counties of Upper Nile State:

- In Nasser County, hunger/ food insecurity, education, land disputes, and unemployment were identified as the top problems. The suggested response was to focus on tackling food insecurity through agricultural projects, food-for-work schemes, training of farmers, and the provision of tractors.
- In Baiet County, cattle raiding, unemployment, health problems, and lack of law enforcement were identified as the top problems. The suggested response was to construct police posts in strategic locations.

Other projects identified include the building of schools or community centers.

³² The Commission was renamed National DDR Commission (NDDRC) in mid-2013.

³³ Another example for community driven approaches is the USAID Akobo model for conflict reduction (Shaw 2011).

Small arms and light weapons

One of the challenges communities are facing is the prevalence of small arms and light weapons (SALW). 2.7 million SALW are estimated to be available in the whole of former Sudan; About 720,000 are in the hands of civilians in South Sudan (Human Security Baseline Assessment 2009b, 15:8). The SALW problem, one of the legacies of the civil wars, has been aggravated by arms flows inside South Sudan as well as diverse cross-border supply channels which points to the regional character of the issue. In fact, the proliferation of arms exacerbates existing tensions and encourages the return of conflict (McEvoy 2009, 8). The prevalence of small arms increases fatalities in community conflicts and directly threatens human security.

The reasons for small arms possession vary depending on the security issues in a particular region. Cattle are central to the pastoralist cultures in South Sudan, and for young pastoralist men, cattle are extremely valuable as they constitute dowry. So, besides its economic value, cattle rustling is part of their culture. With the easy availability of automatic weapons, fatalities from cattle raids and retaliatory revenge attacks have risen. The combination of demand for cattle, prevalence of SALW, and revenge deaths is central to numerous inter-communal conflicts (Small Arms Survey 2010, 283). Competition over pastures or claims over land, which is contested between pastoralists and farmers, are further reasons for SALW possession and use.

As a majority of SALW has remained in the hands of civilians, the government has engaged in civilian disarmament throughout the years following the CPA. The success of civilian disarmament, especially forceful approaches, however, has remained limited.

Security sector reform

Security sector reform (SSR) generally aims at achieving stability and security for the nation and its citizens. To provide legitimate regular police services³⁴ as part of wider SSR efforts is a government priority (Lokuji 2009, 9). The RSS security sector consists of the South Sudan Police Service

³⁴ See Interim Constitution of Southern Sudan, Article 162.

(SSPS) with 35,000–40,000, incl. Customs Service: 1,000, personnel), the SPLA (approx. 190,000; according to Rands 2010, 23:23 and own research), Prisons Service (20,000), Wildlife Service (17,000), and the Fire Brigade (4,000) (Human Security Baseline Assessment 2009b, 15:8)³⁵.

Due to the efforts of the International Community as well as the result of the decisions and work of the government³⁶, the capacity as well as infrastructure of the statutory security providers has been slowly increasing. The challenges, however, remain enormous and the capacity and infrastructure of the security services, especially Police, have remained limited and basic (ibid. 2009a, 14:3).

Police reform

Each of the ten states in South Sudan has around 3,000 police staff at its command, regardless of the size, population, and threat assessment (ICG 2009, 20, 21). Given the size of states and the lack of infrastructure, this number of police makes an adequate provision of security services quite impossible. Indeed, at the lower administrative levels (boma and payam), statutory security providers such as the SSPS have never played and still do not play a relevant role for most of the people. To change this, the government put the police on a trajectory of reform.

Upgrading its capacity so that police officers are able to anticipate and prevent crimes, and enforcing the law is an even greater challenge than increasing the strength of the SSPS. Equipment, vehicles, facilities or infrastructure to aid their work is weak (McEvoy 2010, 18). As many as one-quarter of SSPS' personnel cannot be deployed fully (elders, handicapped, veterans, etc.).³⁷ 90 percent of the SSPS staff are illiterate, making basic police tasks a severe challenge (Lokuji 2009, 6). The vast majority of the security sector budget is consumed by payroll expenditure. In the 2010 Approved National Budget, payroll expense consumed 91 percent of the budget for SPLA affairs and 87 percent of the budget for internal affairs (police, etc.). The average expenditure on salary for the security sector is

³⁵ Numbers reflect own research.

³⁶ SSR initiatives are mainly supported by the UK (DFID), the US, UNDP, and UNMIS (UNPOL for SSPS). Key Security Documents issued: Penal Code (2008), Criminal Procedure Act (2008), Defence White Paper (2008), Southern Sudan Security Strategy (02/2009), SPLA Act (2009), Local Governance Act (2009), etc.

³⁷ Interview with senior UNPOL officer, August 2010.

about 49 percent (GoSS 2010a). As in most post-war countries, up to 80 percent of the service delivery in the field of justice and security is provided by non-state actors (Netherlands Institute of International Relations “Clingendael” 2008, 7), South Sudan is no exception.

Therefore, the focus of the police reform will have to be on training, improving infrastructure and transportation capacity as well as professionalizing the handling/ management of SALW and “crowd riot control” gear over the next years.³⁸

Given the lack of capacity of the SSPS as well as the absence of security provision by statutory forces, the communities often cater for their own security (Lokuji 2009, 21). As the reform of the SSPS will enhance its effectiveness and reach, the question arises how to organize the interface between the community security structures (bottom-up) and the police security structures (top-down).

Disarmament, demobilization and reintegration

A special challenge for security is the plan to reintegrate up to 150,000 ex-combatants (XCs)—80,000 SPLA soldiers and 70,000 staff from other Services—in the communities from 2013 to 2017 (GoSS 2010b; Human Security Baseline Assessment 2011). This will have an impact on the grassroots level as XCs will require employment opportunities and might bring a different, quite militarized mindset to the communities. The South Sudan DDR Commission (SSDDRC) will lead the transformation process of XCs from military staff to civilians. “The overarching objective of the DDR process is to contribute to creating an enabling environment to human security and to support post-peace-agreement social stabilization across the Sudan, particularly in war affected areas” (ibid. 2010b).

The DDR program aims at promoting “community security and the social cohesion through capacity development at local and national levels to ensure the sustainability of the reintegration effort by supporting the social, economic, psychological and political reintegration of the XCs and associated members...” (Republic of Sudan 2008).

The DDR program, hence, ties in and interacts with plans to strengthen security at the community level. Besides structural and security

³⁸ Ministry of Internal Affairs, Juba. Please note that “crowd riot control” is a civilian police task.

requirements, one major motivation for troop reduction is the need to lower the budget allocated to the security sector or, at least, to increase the operational capability within the given budget (professionalization).³⁹

An analysis of interrelations between SSR and community security

Community security and small arms control

Community Security has a local focus and centers on the individual. However, CSSAC activities do not exist in isolation and are affected by many other activities, for instance on the national level. In that regard, SSR programs, DDR and development/ reconstruction efforts are all linked to the local level. Communities are not only affected by returning XCs but also by the return of internally displaced persons and refugees. While returnees often put a strain on the communities, they can also support them, depending on the skills of the returnees and XCs as well as their attitudes.

To overcome security challenges, communities require external assistance, so for instance, by the previously mentioned conflict sensitive development projects in the RSS, which can be better understood when placed in the framework of human security. One might wonder how tractors can enhance security. But by providing such infrastructure, these projects can indirectly enhance security by increasing the economic prospects of the community members and provide employment opportunities and decrease economic insecurity. Other development projects, such as the provision of police posts, are more explicitly conflict related. Here, CSSAC and SSR interact on the local level. A police post that is established in a community is supposed to address key security concerns and create space for community reconciliation. This, however, raises wider questions, for example, how the police service in South Sudan (SSPS) will extend its reach deeper into the states and how issues of staffing will be addressed at the lower levels of the administration. Furthermore, the management of community expectations is important to avoid wrong assumptions building up.

Another interrelation exists between community security and the DDR program. DDR cannot be addressed in a vacuum. The South Sudan

³⁹ The GoSS military budget in 2006 consumed 33 percent of overall public expenditure but was forecast to come down to 25 percent of the approved budget in 2010 (Stockholm Policy Group 2010, 78).

Development Plan 2011–2013 specifies the “(e)stablishment of an effective and affordable DDR programme (...) and to provide ex-combatants and host communities with a sustainable future (...)” (Government of South Sudan 2012, 252). To avoid redundancies and contradicting messages, this requires planning and coordination. ‘County consultations’ are well suited to prepare the ground. It could, for instance, be beneficial to implement community development programs for areas, where higher numbers of XCs are most likely to settle and strain on the communities might be higher. Such projects might not only be about the development of rural areas (e.g. infrastructure projects) but also the wider preparation of communities regarding the challenges posed by reintegrating XCs after a war. Ideally, XCs could actively support such programs. This is, at least, encouraged in the new DDR program and can be implemented by NGOs and such like. Coordinated rural development activities prioritized by the concentration of resettlements of XCs can have conflict preventative effects as communities gain from the integration of XCs.

Another factor related to SSR is the negative effects of SALW held by communities. While weak arms management practices in the security sector promote leakage to the civilian population, the possession and use of SALW are related to a lack of statutory security services in most communities. Problems arise from the relatively easy access to arms, unemployment, dramatically unequal standards of living as well as other effective public-order mechanisms (Lodgaard 2004, 30). “These problems call for economic development, SSR and changes of cultural codes, as well as arms control and disarmament measures to collect and destroy arms. (...) To promote freedom of fear, the focus should be on the combinations of factors that cause anxieties” (ibid.). Moreover, locally valid concepts of masculinity must not be underestimated as an element of the cultural context of arms possession (CIGI 2010, 7).

A remedy against civilian SALW possession is civilian disarmament. Civilian disarmament can only succeed if the roots for arms possession are addressed:

- security environment (security need for a gun/ limited access to justice),
- economic value of the weapon (income generation) and
- mindset concerning arms possession (masculinity).⁴⁰

⁴⁰ As highlighted by SSBCCSSAC Chairman Deng Lual, Juba, May 2010.

Experience showed that forced approaches to civilian disarmament did not have the desired effects. While forceful disarmament on the one hand led to a re-armament of communities due to the absence of public security forces, hostile neighboring communities which were not yet disarmed raided disarmed communities on the other (Saferworld 2010a, 4). Against this background, the government of the RSS needs to demonstrate its ability to provide security and protection to its people. The issue of SALW possession indicates how CSSAC, SSR and economic reconstruction interact. Successful civilian disarmament and the solution of SALW problems depend on the progress in stabilizing the security environment of the population, creating a supportive environment for their livelihoods, and awareness-raising. Without the recognition of these links, progress will be slow. In general, a gradual approach to arms control, especially regarding disarmament efforts, in tune with the development of the security requirements of the communities, the creation of a legal framework and progress in SSR is a recommended way ahead. The strong community- and bottom-up focus of CSSAC programs recommends them for extensions towards local capacity-building and awareness-raising for peace and stability, addressing issues of social reintegration and mediation of local conflicts (Stockholm Policy Group 2010, 37).

Security sector reform

Community security and development depend on the effective provision of security. If formal state institutions are lacking, as they often do on the local level in the RSS, communities will replace them by informal mechanisms that are often more attuned to local security demands. The provision of security tends to be “localized” (Berdal 2009, 123; Little 2003, 167). The challenge for the International Community is to combine the top-down approach of SSR with improving security from the bottom. It is necessary to work with and not against what Berdal calls “the grain of local developments that favour stability without intimidation and violence” (2009, 126). Local institutions are highly adaptable to the specifics of a particular local condition.

The concept of community-based policing (CBP) can be an important element in providing community security and connects the community level with the SSPS’ policing at the state level. Community-based policing

lies at the interface between CSSAC and SSR. CBP aims at new ways of bringing the police and community together to solve problems of crime, disorder and lack of safety. It also rests on the view that the solutions to community problems require the police and the community to examine innovative ways to address community concerns beyond a narrow focus on individual crimes or incidents (South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons and Saferworld 2006, 3). In that regard, CBP could be a valuable element for bottom-up approaches to community security: “In fact, supporting ‘ground-up’ community security efforts could have a positive impact on community–police relations and ultimately on the effectiveness of local policing” (Human Security Baseline Assessment 2010, 16:10).

Yet community-based policing is not a panacea. CBP must be carefully adjusted to the context of South Sudan to avoid the disastrous results of community policing solutions in other post-war environments⁴¹. The challenge is to find ways of how to integrate non-state or informal security initiatives and formal state structures (Downes, Muggah, and Sedra 2010, 148). Some chiefs who provide local security fear to be undermined when the GoSS introduces modern administration methods without explanation of how modern and established local structures are supposed to interact. It is therefore important to clarify the role of community leaders to ensure that informal and formal methods complement each other in providing security and do not compete with each other (Lokuji 2009, 22).

There are some fundamental principles of CBP which must be taken into account (SEESAC and Saferworld 2006, 4):

- practice policing by consent not coercion,
- be part of the community rather than being apart from it,
- find out (together with the community) what its needs are,
- work in partnership with other agencies and the public,
- tailor the ‘business’ of policing to meet the community’s needs and
- be accountable.

CBP is, however, not suited to considerably disburden the SSPS’ workload. The SSPS will have to continue on its road of transformation. But CBP can constitute a productive link between the bottom-up and top-down

⁴¹ Discussion Note, Saferworld, 2010.

approaches, enhancing the security of the population and moving towards the wider aim of human security. It is therefore necessary to ensure coherence between CSSAC and SSR. For these reasons, it is important that donors increase the capacity for adaptation of post-war reconstruction approaches and allow longer-term processes like SSR to take effect instead of being satisfied with quick gains.

Disarmament, demobilization and reintegration

An unsuccessful DDR process can hamper stabilization and long-term development. The UN Integrated DDR Standards (IDDRS) state that from the very beginning DDR needs to be linked to other security, humanitarian, peace-building and recovery programs. It should also relate to other security-related interventions, such as mine action, SALW control/ reduction, and SSR (United Nations DDR Resource Centre 2013). “(...) DDR follows the development of a package of ideas to transform the security sector; this is where DDR and SSR are linked conceptually” (Gebretensae 2009, 75).

In practice, however, serious efforts to clearly integrate SSR (focusing primarily on the SPLA) with DDR have not been made until recently (Lokuji 2009, 9). DDR was not sufficiently part of the process of defense transformation intended to benefit the SPLA's future effectiveness (Rands 2010, 23–42). The new DDR program was designed with strong participation of the SPLA leadership and will involve other security sector services. Still, failure to properly deal with demobilized staff will increase tensions and put stabilization at risk. The new program links DDR to community security. But security promotion programs require a wide audience and human security needs of stakeholders ought to be taken into account. The SSDDRC plans to complement existing projects, especially in hubs where XCs intend to reintegrate, with community support activities (GoSS 2010b, 1+3) as well as wider economic recovery efforts:

The GoSS recognizes the need to assist communities of return in their development. This shall be achieved through activities by international agencies and NGOs complementing the efforts of the targeted individual reintegration program. These projects shall be coordinated closely with both the GoSS Line Ministries and with the Bureau for Community Security and Arms Control, which are all engaged in similar activities (ibid., 3).

The Stockholm Policy Group comments on the state of affairs in reintegration programs in Southern Sudan: “Opportunities to create employment in the areas where ex-combatants aim to settle, thereby enabling sustainable economic re-integration, are vastly underutilized. The poor level of economic development is a great challenge for ensuring a decent livelihood.” (2010, 32). Labor intensive infrastructure projects would be suitable even if costs were higher than the use of highly efficient machinery. Labor intensive road construction projects are one example of gearing reconstruction approaches to the necessities of a post-war environment where many XCs need job opportunities. The support of communities with development programs will be essential to ensure successful socioeconomic reintegration in the coming years, not only of XCs, but also of returnees. The link between the DDR program and CSSAC is crucial to avoid tensions arising from the creation of two classes, namely those who are favored by the DDR program and those who have suffered from the war and do not receive any compensation, let alone re-integration opportunities.

Conclusion

This paper shows that approaches to CSSAC, DDR and SSR need to be consistently handled as interdependent. The South Sudan experience points towards the necessity to develop sequenced and coordinated approaches that address interrelated issues affecting post-war security as a whole. The fact that the distinct concepts of DDR, SSR and CSSAC overlap means that they can benefit from and strengthen one another. Disconnected approaches in these areas run the risk of negatively affecting one another.

This paper suggests to consistently link SSR and community security issues. DDR programs that do not incorporate community security and development will not be successful in reintegrating former combatants socially and economically. In that regard, the concept of human security has the potential to be a valuable guide in prioritizing and aligning activities in the fields of SSR, DDR, and especially CSSAC.

Coherence between DDR, CSSAC and SSR programs remains a challenge in South Sudan. Activities by international organizations in the RSS still remain dominated by a project approach rather than by a strategic approach to security promotion.

The establishment of the South Sudan Development Plan and the subsequent adjustments have brought some progress in these areas. Infrastructure support is required to enable economic activities and increase the reach of the security sector actors. Furthermore, the capacity in the security sector as well as in related institutions needs to be enhanced to cope with the magnitude of challenges.

Finally, community-based development requires major support to realize (re-)construction throughout South Sudan and also complement reintegration activities within DDR programs. To reintegrate XCs sustainably and to achieve a successful transition from a military to a civilian livelihood will remain a challenge as long as the security situation and economy are not yet capable of absorbing high numbers of XCs. Sustainable success of DDR also depends on how successful the links between DDR, CSSAC and SSR as well as the wider economic recovery and employment creation will be.

The mentioned links and interactions between the concepts of DDR, SSR and CSSAC suggest that there is room for innovative thinking, research and revision of the existing paradigms. Field-based research projects in post-war environments could lay the basis for a conceptual rethinking and re-designing of post-war security promotion.

When the international community continues its substantial support to the RSS, it will be on the right track. Should things go wrong and the country relapse into violence, the regional implications in East Africa will be daunting. The challenges reviewed in this paper are many, but so are the opportunities to succeed and learn from the experience of post-war reconstruction in South Sudan.

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Is peace not for everyone?

Margret Verwijk

Not all peace processes or issues have received equal attention in the arena of policy and research. John Darby and Roger Mac Ginty noted that peace processes in, for example, Sudan have received less attention, “with the highest volume of publications being written on Northern Ireland, the Israeli–Palestinian ‘Oslo process’, and South Africa’s transition” (Darby and Mac Ginty 2008, 4). In terms of issues, they added “the differing impacts of peace processes on men and women are under-researched” (ibid. 2008, 4). More than 10 years after a promising UN Security Council Resolution 1325 (2000) on women, peace and security that calls for women’s participation in conflict resolution and peacebuilding, little has changed. This article will focus on the under-researched issue of the participation of South Sudanese and North Sudanese women in peacebuilding and their interaction with and participation in the Sudan peace process that culminated in the Comprehensive Peace Agreement (CPA) in 2005.

The first section of this paper describes the role of women in peace processes. It questions whether the small number of women participating in formal peace processes tells the whole story behind such a process. The next section discusses social change and the empowerment of women in the midst and aftermath of war and shows that efforts to build peace are not, by definition, without risk. It reveals the skepticism among diplomats, policymakers and practitioners about the possibilities of social change and gains for women following a peace agreement. In this paper, the author argues that the participation of South Sudanese and North Sudanese women in conflict resolution and peacebuilding made a difference and that there is much more to be known about the participation of women in peace processes than what gets recorded, including the potential for long-term gains. It concludes that South Sudanese and North Sudanese women played a significant role in building and making peace.

The paper is based on completed doctoral research (Verwijk 2012) and is informed by three categories of evidence: First, literature review in the domains of conflict, development and feminism. Second, a detailed

computerized narrative analysis (MAX QDA) of life histories of North Sudanese and South Sudanese women who participated in peacebuilding efforts in the midst of war as well as structured interviews with policymakers and development practitioners. A series of in-depth life history interviews in both English and Arabic were conducted in the course of 2008, both in Juba and in Khartoum, to gain insight into the lives and agency of women who had been participating in peacebuilding efforts. Since storytelling remains vivid in Sudan, the collection of life histories was a methodological fit. A directed effort was made to interview women who represent a cross-section of women peacebuilders including a geopolitical representation. With their permission, the session was digitally recorded and analyzed for content in 547 coded segments. Third, secondary data including archival records, project files, reports and documents from development actors and agencies as well as fieldwork in North Sudan and South Sudan between 1993 and the present was collected. This research considered ethical issues throughout and has been especially sensitive to potentially ‘harming’ women who entrusted the researcher with their life histories.⁴²

Women making peace

War scholars, policymakers and practitioners have argued about the presence and absence of women as either warmongers or peacemakers. A highly imaginative debate usually takes place in which the stereotypes of a Florence Nightingale looking after wounded soldiers and women dressed up like men joining them on the battlefield, and notions that women are more peace-minded by nature than men (Fukuyama 1998; Tickner 2001; Steans 2006; Buikema and van der Tuin 2007) prevail. As Judy El Bushra notes, feminist views of violence and conflict are many while there is a lot of confusion about men’s and women’s role in war and peace in general (Bushra 2008, 23–40). In line with a growing body of mostly feminist research on peace, development, and security, numerous researchers, policymakers and practitioners have defined the lack of feminist perspectives as well as the absence of women in the arena of mediation and peacebuilding as problematic (Anderline 2007; Barry 2005; ICG 2006; Itto 2006; Francis 2004; Kaldor 2007; Kandiyoti 2004; Lindsay 2001; Machandra 2005; Pankhurst 2007; Rehn and Sirleaf 2002).

⁴² The views presented here are solely those of the author and do not represent the views of the Ministry of Foreign Affairs in the Netherlands.

The following overview based on data from the UN Development Fund for Woman (UNIFEM) shows that the percentage of women in proportion to men in official roles has been extremely low in 24 peace processes (1992–2008), including the Sudan peace process:

Table 7: Percentage of women in formal peace processes (1992–2008)

Peace Agreements	(%) Women signatories	(%) Women mediators	(%) Women witnesses	(%) Women in negotiation teams
El Salvador (1992) Chapultepec Agreement	12	0	-	13
Croatia (1995) Erdut Agreement	0	0	0	11
Bosnia (1995) Dayton Accords	0	0	0	0
Guatemala (1996) Agreement on a Firm and Lasting Peace	11	0	-	10
Northern Ireland (1998) Good Friday Agreement. Multi-Party Agreement	10	0	-	10
Kosovo (1999) Interim Agreement for Peace and Self-Government in Kosovo	0	0	0	3
Sierra Leone (1999) Lome Peace Agreement	0	0	20	0
Burundi (2000) Arusha Peace and Reconciliation Agreement	0	0	-	2
Papua New Guinea (2001) Accord Papua New Guinea	7	0	-	4
Macedonia (2001) Ohrid Peace Agreement	0	0	0	5

Peace Agreements	(%) Women signatories	(%) Women mediators	(%) Women witnesses	(%) Women in negotiation teams
Afghanistan (2001) Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions	9	0	-	9
Somalia (2002) Declaration on Cessation of Hostilities and the Structures and Principles. Principles of the Somali National Reconciliation Process	0	0	0	-
Cote d'Ivoire (2003) Linah-Marcoussis Peace Accords	0	0	0	-
DRC (2003) Sun City Agreement ("The Final Act")	5	0	0	12
Liberia (2003) Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy in Liberia and the political parties	0	0	17	-
Sudan (2005) Comprehensive Peace Agreement between the GOS and the SPLM	0	0	9	-

Peace Agreements	(%) Women signatories	(%) Women mediators	(%) Women witnesses	(%) Women in negotiation teams
Darfur (2006) Darfur Peace Agreement	0	0	7	8
Nepal (2006) Comprehensive Peace Agreement between the Government of Nepal and the Communist Party of Nepal (Maoist)	0	-	0	0
The Philippines (2007) Communique on the Tripartite Meeting	0	0	-	-
DRC (2008) North Kivu Acte D'Engagement	5	20	0	-
DRC (2008): South Kivu Acte D'Engagement	0	20	0	-
Uganda (2008) Juba Peace Agreement	0	0	20	9
Kenya (2008) Agreement on the Principles of Partnership of the Coalition Government	0	33	0	25
Central African Republic (2008) Accord de Paix Global	0	0	0	-

Source: UNIFEM 2010, 4.

The Sudan peace process that led to the signing of the CPA was a long and convoluted process. Sudanese women prepared joint statements, lobbied and found ways to exercise influence directly and indirectly. During the Hague Appeal for Peace (1999) they called upon their leaders to put an end to war. In Maastricht (2000) they called upon the leaders of the formal

Sudan IGAD (Intergovernmental Authority for Development) peace process to establish regular meetings with women to include women's aspirations in the peacemaking process. In Oslo (2005) they called upon the donor conference to commit to principles of gender, of resource allocation, requesting that at least 80 percent of the resources to Sudan's reconstruction meet their priorities of reducing gender inequalities in law, policy and practices and benefit women (Verwijk 2012). Depending on the stage and relative ease or difficulty of the negotiation processes, North Sudanese and South Sudanese women were found to support and participate in the formal peace process in Sudan. This, however, is not reflected in what gets recorded, as shown above. Hilde Frafjord Johnson, who played a key role in the formal Sudan peace process (1998–2005) as Minister for International Development of Norway, recognized the contribution of Sudanese women to building and making peace:

Together with other donors, we ensured that women's groups were brought into the process. The Dutch had supported consultative conferences in the [n]orth and in the [s]outh of women's groups, and a joint meeting of both before the Donor's Conferences. These political processes were essential for the peacebuilding process to succeed (Johnson 2011, 178).

Rogaia Abusharaf confirmed that in the case of Sudan, "many women's organizations were registered observers to the peace process and presented technical papers to negotiators in the Machakos peace talks" (Abusharaf 2005, 44) while challenging traditions, articulating demands and demanding inclusion. Nada Mustafa M. Ali, for example, mentioned the efforts of South Sudanese women throughout the Machakos and Naivasha meetings to integrate the specific needs of women in the peace process (Ali 2005, 50). The International Crisis Group (ICG) found that many Sudanese women leaders and women's organizations have played important roles, both formal and informal, in several peace processes while consistently transcending conflict lines across the country (ICG 2006). Some researchers pointed out the formal or strong informal involvement of women in peace processes while referring to both the CPA and the Darfur Peace Agreement (Hewitt et al. 2010, 99). Interestingly, the ICG noted that Sudanese women might have been invisible at the peace table but "have taken a greater role in implementing post-conflict projects" (ICG 2006, 2).

Sudanese women were not silent spectators either to a situation of protracted conflict or to the process that led to the signing of the peace agreement. Evidence from life histories, interviews and a variety of other sources showed diverse but continued interaction between Sudanese women and the formal peace process up to the signing of the CPA in 2005. Women stated that they played a critical role in convincing their men that peace was better than war. Starting with less than 100 women in 1997, Tamadur Khalid noted that in the period 2003 to 2005, the number of women actively involved in peacebuilding efforts had increased significantly expanding throughout North Sudan and South Sudan (Verwijk 2012, 270–71). South Sudanese women living in Khartoum were mostly active in the internally displaced camps while Nuba women would travel to the Nuba Mountains to raise awareness about the IGAD peace process, taking along bags of sugar for distribution. They also entered into dialogue with parties to the conflict in an inclusive fashion and beyond the two parties, the government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM), sat at the formal negotiation table, advocating for peace and social change while seeking international support for their views. Together, they demanded participation in all peace initiatives by at least 30 percent in the year 2000 and following the CPA. North Sudanese and South Sudanese women demanded representation of 30 percent for women in constitution-making as well as 30 percent for women in decision-making positions at all levels. They engaged in resolving conflicts at the local level, for example, in the Kakuma refugee camp in Kenya, between the Dinkas and the Equatorians (Verwijk 2012, 230), trauma counseling as well as the delivery of humanitarian assistance.

Research findings show how women tried to promote positive change in the midst of war, and shed light on the difference their participation in conflict resolution and peacebuilding made in the aftermath of war. Many of their ideas were linked to “positive peace”, an understanding of peace based on one of Galtung's major ideas that peace is more than “the absence of war” and relates violence to society (Galtung 1964, 2) and includes concerns for social and economic justice, human rights, environmental integrity and development, establishing links between the domains of conflict and development. Together, these findings illustrate that the small number of women participating in formal peace processes do not tell the whole truth about the participation of women in peace processes.

There is a danger that because informal peacebuilding takes place outside of the limelight, women's efforts are easily "disparaged as volunteer, charitable social, even when they have a political impact" (Turshen 2001, 89) or considered less important, troublesome and disturbing (Kaldor 2007, 126–32). In this vein, the Conflict Research Unit of Clingendael stated that "it is difficult to see how discussions between informal women's groups will put an end to the economic and power politics on behalf of heavily armed warlords" (Baarsen, 2000, 66). Another example is the assessment that the SPLM Women's Conference held in August 1998 "was of little consequence beyond a symbolic recognition of women's role in the Movement" (Rolandsen 2005, 143). In one thesis on civil society peacebuilding the author even states pointedly that "[r]ightly or wrongly, in the eyes of many bystanders" the non-governmental organization Sudanese Women's Voice for Peace "moved from an icon of hope for peace to a bunch of quarrelling women" (Leeuwen 2008, 107). Political changes since then have proved otherwise in both North Sudan and South Sudan, with many more women moving into power- and decision-making positions (Verwijk 2012, 308). Following the last reshuffle of August 2013 in South Sudan, more women are put into power and more than one-quarter of the national ministries are headed by women.

Peace is a process and so is social change

War runs through the lives of North Sudanese and South Sudanese men, women, their children and their communities like a continuous thread. Traditional barriers between the responsibilities and domains of men and women in Sudan changed under the pressures of war. Following the armed struggle of men and their absence from their homes, women became entirely responsible for their households and children. A number of women chose to join the Sudan People's Liberation Army (SPLA) or were recruited, while others voluntarily or strategically joined the GoS Popular Defence Forces simply to retain their employment or social and political position. Wartime needs challenged and changed traditional relationships between women and men. Women and girls were forced to fend for themselves and struggle for an opportunity to go to school and gain income.

Whilst life histories provide plenty of examples of social change in the individual relationship between men and women, life histories also

indicate changes in gender relations that transcended the individual level. In the aftermath of war, women referred to social change and a change of gender relations at a collective level, as the following examples show:

Samira Hasan notes that for long, “[t]he political participation of women was symbolic and (...) women would take a backseat when elections were over” (life history Samira Hasan, Khartoum 2008). According to her, this had changed, as men have become “aware of the power of women, [and] her effective role in civil society”, for which reason “political parties started to absorb women in their political offices and councils” (ibid. 2008). Samira opines that as both educated and uneducated women increasingly contributed to the survival of their families financially, men generally became more conscious and appreciative of the new role of women.

Agnes Nyoka refers to key political and military leaders supporting and advocating a change in gender relations at the collective level, finding that “[n]ow our president of South Sudan, Salva Kiir, is standing with the women, he is ready to make sure that 25 percent is exercised at all levels. This has given us an opportunity, this has empowered us” (life history Agnes Nyoka, Juba 2008).

There is rich evidence of the activism and efforts of South and North Sudanese women, which started prior to the CPA and continued post-CPA, to change the rules of the game and achieve some success in advancing their status.

Life histories also refer to the translation of gains for women in North Sudan (life histories Bodour Osman Abu Affan, Esta Kuku Rahal and Samira Hasan, Khartoum 2008). Esta and Samira refer to women’s rights and affirmative action mentioned in the interim constitution of the North after the CPA. Even though they are critical of actual progress made, Samira Hasan concedes that consequently, Sudanese women “went and succeeded to get it into the law on elections without any debate”, showing their “muscle and all the parties are obliged to nominate at least 25 percent women” (life history Samira Hasan, Khartoum 2008). Following the CPA, the number of women in leadership positions increased significantly in both North Sudan and South Sudan. Then, the actual number of Sudanese women in power and decision-making did not exceed two: a regional minister of health and social welfare in the southern region at the time and a deputy minister of social welfare, youth and sport, in the 1980s but steadily increased as of the 1990s towards 16 women by 2005 and 24 North

Sudanese and South Sudanese women ministers and deputy ministers by 2010 (Verwijk 2012, 308–09). Arguably, women's activism during the 10 final years of the second civil war culminated in numerous formal gains apparent in the interim national constitution (2005), the amendment of the nationality law (2005), the ministerial and presidential decrees on violence against women (2005 and 2006), the national civil society law (2006), the law on political parties (2007) as well as the election law (2008), which established a 25 percent quota for women.

Efforts to build peace are not without risk and Sudanese women put up stout resistance to intimidation and harassment from security forces. They faced serious risks while engaging themselves in building and making peace. While doing their work in the midst of war, their movements and communications were monitored and restricted by both the GoS and the SPLM. Women were taken out of planes, taken to the Security Forces Office at the airport and questioned, withheld from boarding, not allowed to enter the airport and intimidated (Sudanese Human Rights Group 2003). Contrary to what researchers like Antonia Potter found, sensitizing peace processes to gender is not without risk or a low-risk investment (Potter 2008, 65).

The Sudanese women participating in the peace process faced high expectations from outsiders such as diplomats, policymakers and development practitioners. They were expected to participate in high-level decision-making processes, support the implementation of the CPA, and promote peacebuilding and reconstruction, while they were also expected to improve the lives of poor women. When failing to meet these expectations they were considered elitist and selfish, and suffering of an entitlement attitude.

They were given funding to develop their organizations and build their capacity. We funded their office in Nairobi and helped them to move to Juba. What for and for whose benefit? (...) It is not only about their interaction and the contacts that they have. It is much more about helping women in the villages and supporting illiterate women to formulate their needs for incorporation into political party programmes or the plans of ministries. I did not see any of that (interview Corina van der Laan, Ministry of Foreign Affairs, The Hague 2008).

Irrespective of the question whether Sudanese men faced similar expectations, donors tried to improve access to basic services after the signature of the CPA without much success (Bennett et al. 2010, 145–47). As opposed to what Sudanese women themselves expressed through their life histories, the majority of policymakers, diplomats and practitioners did not think it possible for Sudanese women to really benefit from their struggle for peace, development and equality in the aftermath of war. Skepticism amongst outsiders about potential gains for Sudanese women in the long run proved to be widespread and persistent. This in itself is not surprising, given the wealth of case studies that demonstrate increasing levels of violence against women in countries emerging from conflict, and the slow speed with which gender relations are thought to change. Yet chances for social change, which seem slow or slim, have the potential to scare off potential investors and may become a self-fulfilling prophecy. Why invest in the implementation of the UN Security Council Resolution (SCR) 1325 (2000), when women are confronted with backlashes, derive no benefits and continue to be victimized? Such a self-fulfilling prophecy can become another source of disempowerment.

Conclusion

More than ten years after the promising UN Security Council Resolution 1325 (2000) on women, peace and security, which calls for women's participation in conflict resolution and peacebuilding, little has changed. Women's agency and knowledge continues to be ignored and undervalued by diplomats, policymakers and practitioners when it seems to matter most, namely in times of transition, when social structures and relations are in flux and when peace agreements are signed. What is more, documentation of official sources regarding the presence of women in each and every formal peace process proved incomplete and the participation of women in track II or III informal peacebuilding, is even less well-documented.

This paper highlighted the significant role that North Sudanese and South Sudanese women played in building and making peace. According to the findings from field research, times of war should not automatically be dismissed as the worst environment for bringing about significant changes; instead, they are a window of opportunity to support steps towards peace, equality and development. South and North Sudanese women managed to

support and participate in a lengthy and exclusive formal peace process in Sudan. They tried to see farther than a peace agreement and advocated for equality and development as well as peace. Whatever women gained following the signing of the Comprehensive Peace Agreement of 2005 in terms of their participation in decision-making, consequently emanated from a long struggle with gains not being realized overnight. Evidently, this struggle is not over.

Peacebuilding efforts are also not harmless, and third party intervention needs to be handled with knowledge and care. Contrary to what Sudanese women themselves expressed through their life histories, the results of their analysis illustrate that many outside actors did not think it possible for Sudanese women to benefit from their struggle for peace, development and equality in the aftermath of war. Findings show that chances for social change appeared slim to outsiders. Consequently, outsiders continued to pay more attention to what women may have needed or were lacking in the midst of war, or immediately afterwards, than to what women and especially women leaders did or could do politically, economically and socially. So much for the implementation of UN SCR 1325.

In line with preliminary evidence, which suggests that efforts to involve women in peace processes improve the sustainability of peace and governance, it will be interesting to research whether that suggestion holds true in the case of North and South Sudan (Caprioli et al. 2010). The evidence collected by means of longitudinal research makes a compelling case for more documentation of and research into the participation of women in both formal and informal peace processes around the world. Further conceptualization, study and comparison of how formal and informal peace processes interact is required. Another research challenge will be the study of organizations in which practitioners and policymakers alike operate, including their response to opening processes of making and building peace to greater participation by women. Building peace may be even more critical than making peace from the perspective of peace, equality and development, irrespective of the importance of sealing the deal.

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South Sudan in volatilities of sharing the Nile basin resources

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Admitted as the 10th member of the Nile Basin Initiative (NBI) in July 2012, South Sudan emerged as a new riparian state in the Nile basin after declaring independence on 9 July 2011. The NBI was initiated in 1999, and it galvanized cooperation among the riparian states in the Nile basin. The membership of South Sudan in the NBI has serious implications for the existing arrangements for sharing the Nile water and resources between the lower and upper riparian states.

Historically, Nile water sharing agreements were dominated by Egypt during the colonial period and after independence. Great Britain concluded a series of colonial agreements with Belgium and Ethiopia. Those agreements prevented upstream countries from undertaking projects on sections of the river system without the consent of Egypt. The 1959 Agreement on the Nile Waters provided the lion share of water quantities for Egypt and the Sudan at the expense of all the upper riparian states and constituted the source of disputes among riparian states. South Sudan was part of the Sudan during that period, but was not impressed by the arrangements. Ambitious water control and conservation projects of Egypt and the Sudan were located in the present South Sudan, but protracted civil wars in the Sudan undermined the implementation of planned projects. Thus, Southern Sudan remained a spectator of transboundary water relations for over a century. Power differences in the river basin resulted in a form of hydro-hegemony in which Egypt controlled water resources while coercing upper riparian states not to benefit from water allocations. However, conflict and cooperation evolved slowly from hegemony to cooperation among co-riparian states (Mirumachi and Allan, 2–5; Rhmiro 2006, 12–15). The independence of South Sudan raised anxiety in the Sudan and Egypt, while raising hopes among upper riparian states, which regard South Sudan as a potential ally for pressurizing the dominant downstream countries in future water sharing arrangements.

This paper analyzes how relations between Egypt and Sudan and the upper riparian states have evolved through conflictive and cooperative

interactions and how South Sudan will fit into the hydro-economy dominated by conflicts, coercion and threats. The key questions tackled in this study are:

- How are riparian countries responding to new political realities and water sharing after independence of South Sudan?
- What are the challenges and to what extent can South Sudan pursue water diplomacy safely without escalating disputes among the Nile basin countries?

A situation analysis of the independence of South Sudan and the Nile question reveals that disputes about water use could easily engulf the country before it builds its capacity to make effective use of water resources. In order to take into account unpredictability of state behavior, the concept of volatility is applied in this paper. Volatile relations between the Sudan and Egypt and the upper riparian states had intermittently erupted in the past, when issues of water sharing were raised by one or more of the upper riparian countries. The state of volatility in the sharing of water resources can be a spoiler for South Sudan's future development ambitions, depending on how the country will pursue its water policies in the volatile political environment. Furthermore, the concept of Events Data Research is applied to explain patterns of behavior of the Nile riparian states with regard to sharing water resources from a comparative perspective, which is essential for understanding the position of South Sudan in the community of Nile basin countries. Actions and declarations of policymakers, demonstration of cooperative behavior or hostilities and many other responses to events, which have implications for economic and sociopolitical environments, are analyzed within this framework (Morgan 1975, 172–173). One tool of analysis is causality, explaining cause–effect factors like climate, hydrology, vegetation, the economy, and the way they influence national interests in the Nile basin.

Therefore, the paper starts with the characteristics and features of the Nile and the White Nile sub-basins in South Sudan. Then it reviews inter-state behavior and interactions among the riparian states in the past and reflects on the dynamics of conflictive and cooperative relations among these states. Finally, it explores how hydro-politics of the Nile basin could affect the behavior of South Sudan as a newcomer on the stage, and how

volatile inter-state relations may undermine plans and implementation of critical projects of national and community interests in shared water resources (Godana 1985, 48).

Volatile inter-state behavior as function of the characteristics of the Nile basin

It is an undisputed fact that qualitative and quantitative characteristics of the Nile waters have a bearing on the attitude and behavior of states in the sharing of water resources. The Nile basin is characterized by high climatic variability and low rainfall resulting in uneven distribution of its water resources, especially in downstream countries. A large part of the Sudan and Egypt receive less than 300 millimeters of rainfall in a year (NBI 2012, 27–32). The spatial variability of rainfall in these countries has created the Nubian desert and semi-desert, which deprive the main Nile from significant runoff.

Space is one criterion for sharing water according to the Helsinki Rules, which in Article V define reasonable and equitable share in beneficial uses of international drainage basins. Section Two of the Article refers to the geography of the basin and drainage area in the territory of each riparian state as the first criterion (Godana 1985, 57). Although there are eleven riparian states of the Nile basin, eight of them occupy less than ten percent of the total land area in the basin. Some countries with large space occupation are effective competitors in claiming water rights and the share of water resources. With 19.5 percent of the total area of the Nile basin, South Sudan occupies the second place after the Sudan. Table 8 shows the country areas, absolute and percentage of spatial occupation, and percentage of country area in the Nile basin.

The White Nile sub-systems in South Sudan

The Nile basin in South Sudan is composed of three sub-basins: the Baro-Pibor-Sobat, Bahr el-Ghazal, and the Sudd (Bahr el Jebel).⁴³ The Sudd

⁴³ Names for rivers are the official names that figure in the River Nile basin literature and reports.

Table 8: Spatial profile of the Nile basin countries

Country	Area (km ²)	Area within the Nile basin (km ²)	% of the Nile basin area in the country	% of country area in the total area of the Nile basin
Burundi	28,062	13,860	49.4	0.4
DR Congo	2,401,941	21,796	0.9	0.7
Egypt	996,960	302,452	30.3	9.5
Eritrea	121,722	25,697	21.1	0.8
Ethiopia	1,144,035	365,318	31.9	11.5
Kenya	593,116	51,363	8.7	1.6
Rwanda	24,550	20,625	84.0	0.6
South Sudan	635,150	620,626	97.7	19.5
The Sudan	1,864,049	1,396,230	74.9	44.0
Tanzania	933,566	118,507	12.7	3.7
Uganda	241,248	240,067	99.5	7.6

Source: NBI 2012, State of the Nile River Basin, 13.

wetland is fed by Bahr el-Jebel and the dorsal rivers descending from the Nile–Congo water divide plateau. The White Nile enters South Sudan at Nimule in a mountainous area that descends sharply towards the north. The river flows through rapids until Juba. The distinctive feature of the White Nile after Juba is the sluggish flow of the river into the Sudd, which starts effectively at Mongalla. It meanders the Sudd through numerous channels of which the most important ones are the White Nile and Bahr Zeraf. The Bahr el-Ghazal joins the White Nile from the west. The Sobat River joins the White Nile upstream of Malakal from the east. It has three main tributaries: the Baro in Ethiopia, Akobo and Pibor in South Sudan. The Sobat River is characterized by speedy flow from the Ethiopian highlands and Boma Mountain in South Sudan. The contribution of the Sobat River to the flow of the White Nile is significant. It restores the quantities of water lost in the Sudd. Table 9 shows areas of sub-basins in South Sudan

and their hydrological factors. While the Bahr el Ghazal and the Sudd lie squarely in South Sudan, the Baro–Pibor–Sobat sub-basin is shared with Ethiopia.

Table 9: Hydrological factors of the three sub-basins

Sub-basin	Area (km ²)	Average annual precipitation (mm/yr)	Average annual reference evapo-transpiration (mm/yr)	Contribution to the Nile (billion cubic meters per year)
Baro–Pibor–Sobat*	230,293	1,338	1,592	13.5
Bahr el Ghazal	555,428	826	1,807	11.3
Sudd (Bahr el Jebel)	169,665	1,067	1,694	-22.9 (Loss)

Source: Extracted from NBI 2012 Table on Characteristics of the Nile Sub-Basins (p. 38) and the Map on The Main Sub-Basins and their Contribution to the Nile (p. 39).

Note: * See location on Map (between latitude 5-10 N and longitude 30-35 E.)

Which events made the lower riparian states develop a vital interest in relations with the upper riparian states?

The river Nile is an international river with four major systems: White Nile, Blue Nile, Atbara, and the Main Nile. The most important portion of the White Nile system covered by colonial agreements and the 1959 Nile Water Agreement is located in South Sudan. The most critical hydrographical space of the Nile River system is the Sudd, where all the rivers descending from the Nile–Congo watershed converge in South Sudan to create the largest wetland in the Nile basin. The Sobat River, which descends from the Ethiopian highlands, meets the White Nile at the northern end of the Sudd near Malakal. The three sub-systems were seen by the Sudan and Egypt as a zone of water loss through evapo-transpiration. In order to pursue their water-intensive development strategies, Egypt and Sudan planned to drain the Sudd in 1974 through the Jonglei Canal (El Sammani 1984, 13–19). The

implementation of the project stalled, because the South Sudanese regarded the Sudd area as a source of their livelihood and survival. This conflicting perception of the White Nile and the drainage plans in South Sudan gave rise to civil unrest. Environmentalists considered drainage projects of the area as irrational because operations of the canals would significantly influence human habitat, livelihood and wildlife, among others. Their arguments reinforced the position of the South Sudanese and other upstream countries to resist the construction of the Jonglei Canal (El Sammani 1984: 41–49; Ibrahim 1984, 26–30). Projects that could benefit South Sudan, such as hydro-power, were not articulated in the 1959 Water Agreement.

The physical nature of the basin and the hydrological complexity create opportunities for development of various sectors of the economy of South Sudan. However, profiles of these sectors reveal sensitivities in the relations among the riparian states of the Nile basin. For example, the sharp descent of the White Nile inside South Sudan at Nimule provides opportunities for harnessing hydro-power, an asset for a country that experiences severe shortage of electricity. Table 10 shows figures about electricity consumption and the untapped potential of hydro-power in South Sudan compared to other Nile riparian states.

The Bahr el-Jebel, Sobat, Bahr el-Ghazal and other rivers descending from the Nile–Congo watershed can become sources of hydro-power for South Sudan. The main potential for hydro-power in South Sudan lies in the section of the White Nile popularly known as ‘Bahr el-Jebel.’ The Fula and Bedden rapids are found in this section. They could produce more than enough energy for development and industries in South Sudan. Another source of energy could be derived from Kinyetti River descending from the Imatong Mountains. However, exploiting these potential energy sources is likely to ignite volatile relations between South Sudan on the one hand and Egypt and the Sudan on the other.

History of volatile hydro-politics and implications for South Sudan

In numerous studies that examine the state of cooperation and conflict, discussions of conflict seem to overshadow cooperative relationships among the Nile riparian states. The root causes of conflict in the Nile system are portrayed as the domination of legal regimes by the lower riparian states during the colonial and postcolonial periods (Kagwanja 2007, 323–328;

Table 10: Nile basin countries' energy supply compared (2010)

Country	Electricity		Hydro-Power	
	% of rural population with access	% of urban population with access	Megawatts potential	Megawatts installed
Burundi	3	26	20	0
DR Congo	0	45	78	0
Egypt	99	100	40	2,862
Eritrea	3	57		
Ethiopia	2	86	13,947	931
Kenya	12	51	191	25
Rwanda	2	12	20	27
South Sudan	1	17	2,570	-
The Sudan	7	60	3,280	1,593
Tanzania	2	40	280	0
Uganda	6	40	3,343	380

Source: Extracted from NBI 2012, State of the Nile River Basin, 243.

Okoth 2007, 85–88). Following the British conquest of Egypt in 1882 and the establishment of the Condominium over the Sudan in 1899, the British established unequal relations between the lower and upper riparian states through agreements that restricted other colonial powers and Ethiopia from construction works on the Nile. This has created a legacy of tensions in the socio-economic and political domains. The current legal regime of the Nile is composed of a series of instruments regulating different sub-basins of the river. Britain used its power to impose veto right over the use of the Nile in favor of Egypt and to a lesser extent, the Sudan, reflected in the Anglo–Ethiopian, Anglo–Italian and Anglo–Belgian agreements, which were antecedents of the 1929 Nile Water Agreement. Various Nile water commissions addressed relevant issues during the period of 1919 to 1925. Britain, however, used its power to impose its preferences for the use of Nile water in the Sudan. The 1929 Water Agreement provided unequal established rights of 48 billion cubic meters of water for Egypt

and only four billion cubic meters for the Sudan. The agreement provided Egypt with the veto right on agricultural activities in the Sudan, while water was reserved for Egypt from 20 January to 15 July every year (Guvele 2003, 5–8). A supplementary Agreement with Egypt of 1932 enabled the construction of a dam on the White Nile at Jebel Aulia in Sudan driven by the British interest for growing cotton in the Sudanese Gezira plains. Naturally, the Sudanese were dissatisfied with this disproportionate sharing arrangement that overwhelmingly favored Egypt.

After independence in 1956, the Sudanese government expressed its opposition to the 1929 Water Agreement and Egypt's plans to construct the Aswan High Dam. Political conflicts escalated between Egypt and the Sudan. Relations changed only when the military, under General Ibrahim Abboud, took over power from the civilian government on 17 November 1958. The two military governments in Egypt and the Sudan re-negotiated the 1929 Water Agreement and hammered the 1959 Nile Water Agreement, which allocated 55.5 billion cubic meters of water to Egypt and 18.5 billion cubic meters to the Sudan (Kameri-Mbote, 4; Howe 2010, 30–32). However, the agreement excluded Ethiopia and had no clause on adhesion to enable participation of other colonial territories after their independence.

The 1959 Water Agreement reinforced inequality by denying the upper riparian states rights to development programs that required the use of water. The agreement implied that upstream countries must seek the permission of the signatories of the 1959 Agreement to engage in construction projects for hydroelectric power, irrigation and related activities. This situation pitched the lower riparian states against upper riparian states. South Sudan was part of the 1959 Water Agreement by virtue of its geographical location. As an independent state, South Sudan will need to play its diplomatic cards well to avoid being constrained in undertaking water-related development projects by the provisions of the 1959 Nile Water Agreement.

From conflictive to cooperative relations in the Nile basin

Regional water-related conflicts fueled discomfort of non-signatories to the existing agreements and challenged the legal regimes of the Nile basin. Egypt reacted strongly against claims of upper riparian states, in particular Ethiopia. Egyptian President Anwar el-Sadat threatened war with Ethiopia in 1978 when it was planning to construct a dam on the Blue Nile (Rhmiro

2005, 13–14). Egypt was involved in destabilizing upper riparian states to ensure that they did not have the chance to begin planning for the use of the Nile water. Kenya's interception of Egyptian planes at Kenyatta Airport loaded with weapons for Somalia in 1978 was a case in point (Kagwanja 2007, 325). The role the Egyptian government played in providing moral—and probably military—support to successive Sudanese governments in waging the wars in South Sudan redefined political relations not only with South Sudan, but also with neighboring countries in the greater Horn of Africa region. These experiences in mind, it is justified to suspect that the lower riparian states may destabilize South Sudan to prevent the development of hydro-power on the White Nile and other programs that will need water utilization.

Craig's assertion that "(...) explicit agreements are not necessarily accurate indicators of cooperation" (1993, 15; Mirumachi 2005, 4) holds true with regard to the situation in the Nile basin. There have been dissenting voices in the Sudan against existing agreements. Sudanese authorities always concealed public resentment against the Agreement under threats from Egypt (Mukhtar 2010, 2). South Sudanese vehemently opposed the Agreement, because all the proposed projects entailed economic, environmental and social hazards for the people in the region.

Cooperative activities began to crystallize via the Technical Cooperation Committee for the Promotion of the Development and Environmental Protection of the Nile Basin (TECCONILE) in the early 1990s, which encouraged defusing conflicts over water resources in the Nile basin. The organization managed to build confidence among riparian states in numerous conferences. By 1999, Nile River countries strived to build solid cooperation when they launched the Nile Basin Initiative (NBI) in a meeting of the Council of Ministers of Water Affairs in Dar es Salam, Tanzania. The major goal of the organization is "to achieve sustainable socio-economic development through equitable utilisations of, and benefits from, the common Nile basin water resources" (NBI 2012, 18). Ten Nile riparian countries are members of the NBI, namely Burundi, the Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, and Uganda. Prospects for independent South Sudan joining these countries were certain after voting for secession in January 2011.

The Strategic Action Plan of the NBI is composed of two complementary programs. The first program is the Shared Vision Programme, composed of seven projects, among them confidence-building and stakeholder involvement. The second program is the Subsidiary Action Programme (SAP) for initiating investments at sub-basin levels. Member states regroup under one of the two arms of SAP: the Nile Equatorial Lakes Action Programme-Coordinating Unit (NELSAP-CU) with an office in Kigali and the East Nile Technical Regional Office (ENTRO) based in Addis Ababa (Guvele 2003, 12–14). Egypt, Ethiopia and the Sudan are members of ENTRO, because their primary water interests lie with the Blue Nile and Atbara sub-basins. In terms of state succession, South Sudan participates in this group as member of the Baro–Pibor–Sobat sub-basin. The positive aspect of this development is the shift of the Egyptian and the Sudanese governments away from confrontations and threats to cautious negotiation with Ethiopia. The focus of discussions shifted away from ‘water sharing’ to ‘benefit-sharing’ within the framework of transboundary water cooperation (Teshome 2008, 34–37). Therefore, the NBI provided a platform for dialogue and confidence-building that eased tension between the lower and upper riparian states of the Nile basin. This development paved the way for launching the Cooperative Framework Agreement (CFA) in May 2010 despite reservations of Egypt and Sudan.

The underlying force driving the Nile riparian countries towards cooperative activities is international partnership. For example, the Canadian International Development Agency (CIDA) and UNDP have supported the Nile River Basin Action Plan since 1995 leading to the establishment of the NBI in 1999. CIDA funded 22 technical projects totaling US \$100 million. UNDP supported the establishment of the Nile River Basin Cooperative Framework at the cost of US \$3.4 million. These platforms promoted conferences, conflict resolution, and peace-building among riparian states of the Nile basin during the last two decades (Guvele 2003, 11–12). Investment projects under implementation or completed are worth US \$892 million and include irrigation, East Nile floods preparedness, power transmission interconnection and fisheries projects among others (NBI 2012, 6–7). These projects are designed to promote benefit-sharing of water resources instead of sharing water quantities.

Critics argue that all agreements and initiatives taken by governments are a closed business of states, although people’s livelihoods depend on

the use of water resources. The NBI, which is regarded as an appropriate inter-state water organization, makes decisions on the Nile water and implements them without credible consultation with the people who live in the Nile basin. There is no platform for people's involvement where they can contribute inputs into the decision-making processes. Huge amounts of money spent on ambitious projects are borrowed from international financial institutions. The financial secrecy surrounding these projects is quite a concern to civil society organizations. Ordinary people will have to repay the loans but do not understand how the government has spent the money. South Sudanese, as newcomers to the NBI, should be vigilant when ambitious water infrastructural developments are planned or implemented.

Renewed confrontations came to the fore in June 2013 over the Grand Renaissance Ethiopian Dam (GRED) under construction. According to the controversial treaty, Ethiopia will be able to undertake developmental projects on the Nile without prior consent from Egypt. The countries have been embroiled in a heated dispute after Ethiopia began diverting the Blue Nile River for the construction of the 6,000 megawatt hydroelectric dam in June 2013. Egypt considers the construction of the dam a threat to security. The Egyptian and Ethiopian foreign ministers met in Addis Ababa in June 2013 to discuss their recent row over the GRED. In a joint statement, they decided on another round of talks between ministers and experts to further discuss the dam's effect on Egypt's Nile water share. The Ethiopian government signed the controversial Cooperative Framework Agreement (CFA) opposed by Egypt and the Sudan because it challenges the 1959 Nile Water Agreement between the two countries (Tadesse 2013). So far, six states have signed the CFA, which supersedes the 1959 Nile Water Agreement.

South Sudan's hard decisions

South Sudan's independence has a direct effect on the legal regime and established plans of the downstream countries of the Nile basin. Geographically, the new state is located at the heart of Nile water disputes, which are exacerbated by cultural cleavages and political power struggles. South Sudan's projects connected with the Nile waters need principled negotiations with the lower and upper riparian states, based on credible data on Nile water resources. Such a database is unlikely to be at the

disposal of the Government of the Republic of South Sudan (RSS) at the moment. Collection of data, seeking assistance of Nile water organizations and soliciting technical assistance from international organizations such as the CIDA, the UNDP and the World Bank, have to be the first step, because these organizations are already providing technical assistance to the NBI member states and institutions (Kagwanja 2007, 333). Then, South Sudan needs to adopt a clear position on succession of existing agreements regulating the utilization of the Nile waters and membership in established institutions in the Nile basin.

There is an array of options for South Sudan to secure its interests in the exploitation of water resources on its soil. The first option is to decide whether or not to engage in succession processes of the 1959 Nile Water Agreement, such as the CFA. Technically, South Sudan is a member of the 1959 Agreement, because it was part of the Sudan when this country entered into the agreement on behalf of its entire people. However, international law on succession of treaties gives the right to the new state to either recognize or renounce previous agreements. The East African countries already contested the colonial legal regime of the Nile, which gave Egypt unfair advantage over them in use of Nile waters. Now the fate of the 1959 Water Agreement depends on South Sudan.

Egypt has been working hard to court South Sudan not to sign the CFA, but the government of South Sudan had already made a declaration of intention to sign this agreement during the June 2013 annual Nile-Com conference in Juba in 2013 (MIWR 2013). The second option for South Sudan is to abandon the 1959 Nile Water Agreement completely while joining the NBI, which is representative of basin-wide cooperative interactions. Since South Sudan already is a full member of the NBI and striving to be signatory of the CFA, there is no doubt that the 1959 Agreement is increasingly becoming irrelevant in South Sudan.

Potential economic and infrastructural projects of South Sudan are located in the White Nile system.

Many citizens harbor the feeling that water conservation projects like the Jonglei Canal and some minor canals in the White Nile system are environmentally detrimental to inhabitants of the Sudd region. South Sudan could negotiate with Egypt and the Sudan hydro-power projects like the Bedden and Fula in exchange of the Jonglei Canal and other conservation projects in the Sudd. This will, nevertheless, require sufficient information

on its hydro-economic resources to enable it to pursue its water diplomacy. South Sudan needs not only important irrigated agricultural projects in Jonglei, northern Upper Nile and Northern Bahr el-Ghazal states, but also hydro-power from Fula and Bedden rapids and other tributaries of the White Nile. The intention of South Sudan to construct the Fula Dam sets the country on a collision course with Egypt. South Sudan has already accused Egypt of sabotaging the financing of the project (Oduha 2013).

In the final analysis, as South Sudan enjoys membership in the NBI, the ENSAP and ENTRO, the country is playing the card of both a lower and an upper riparian state. How South Sudan will benefit from such a pivotal position depends on proper collaboration with other Nile riparian states and donors.

Conclusion

There are many challenges South Sudan is striving to overcome in order to be a beneficiary of substantial Nile water investments and services. Pursuing diplomatic goals to achieve vital water interests in a region ridden by political conflicts can be risky. The new riparian country could easily entangle itself in disputes that may hamper progress in the utilization of water resources. The main threat for the exploitation of South Sudan's water resources could be the refusal of Egypt and the Sudan to accept the CFA, which is expected to supersede the previous Nile River agreements dominated by Egypt and the Sudan. South Sudan's intention to sign the CFA and to implement sensitive projects in its portion of the Nile basin is sending shock waves to Egypt and the Sudan. The new country needs flexibility in its conduct of water diplomacy to avoid being at the centre of controversies between lower and upper riparian states in the Nile basin. Countries of the Nile basin demonstrated cooperation within the NBI during the last decade, but the launching of the CFA is reviving old animosities challenging the cooperation that existed for the last decade since the inception of the NBI.

Another challenge concerns the experience in the management of water resources at the national and regional levels. South Sudan never managed water resources before the Comprehensive Agreement (CPA). The country needs external assistance to build databases for conceiving credible planning of water development programs. South Sudan lacks expertise to

operate integrated water programs in the short-run. Water management includes activities like water supply and sanitation, irrigation and drainage, hydro-power development, fisheries development, management of wetlands and biodiversity, water hyacinth and weeds control, pollution control and water quality management, among many. The shortage of skilled labor to manage these aspects of water resources is a serious constraint for South Sudan in the short-run.

Unlike the previous agreements and management institutions of the Nile water agreements, the NBI provides better opportunities to avert violent conflicts in the Nile basin. It is incumbent upon all Nile riparian states to ensure that a friendly and stable government exists in South Sudan after independence. This is a pre-condition for mobilizing resources for the development of water resources and for exploiting them for the common benefit at national and regional levels. Therefore, it can be safely concluded that South Sudan's membership in the NBI stages a new level of competition where the country could be taken for granted as a potential ally in the existing alignments of lower and upper riparian states. South Sudan's position in the Nile basin will stabilize cooperative processes if the country formulates rational policies for the exploitation of its water resources in its hydrographical space.

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Sudan and South Sudan in the East African Community: An option?

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Since the independence of South Sudan, both the South and the North of the former Sudan have faced an even more urgent need to diversify their economies beyond oil. They also need to diversify their international partnerships. Despite the agreement between the two Sudans to continue to intensify their partnership, in practice mutual distrust sets narrow limits, at least in the short term. In this context, both countries have reached out to East Africa. While South Sudan has long sympathized with the region and is actively pursuing membership in the East African Community (EAC), economic problems have also put pressure on the Sudan, and it has in fact also applied for membership. This paper discusses the economic and political implications for the two Sudans, as well as for the EAC, concerning their potential EAC membership, both in the short and long term. For all sides, there would be clear economic and political benefits but equally challenges and risks, particularly in the short term. This paper discusses the reasoning behind regional integration, followed by a brief overview of the situation in each of the Sudans and the EAC. This provides the basis for the discussion on the prospects of memberships for either or both of the Sudans in the EAC in the main section. The conclusion provides some recommendations.

The concept of regional integration

In the age of globalization, the increasing importance of the international political and economic environment for economic development is beyond doubt. Despite the current financial and economic crisis, it is also largely undisputed that an increasing integration into the international economy is vital for promoting welfare—in particular for developing countries that wish to catch up with the rich industrialized world.

Since the 1990s regional agreements, in particular regional trade agreements (RTAs), have flourished. Often, integration into regional

groupings is seen as a stepping stone for global integration—sometimes it is seen as an alternative to global integration, in particular for small economies.

The discussion on the implications, costs and benefits of regional integration (RI) in general and RTAs in particular is long and multi-stranded. This paper focuses on key arguments, criteria to assess benefits of RI, and measures that would be conducive to RI in providing a theoretical and empirical basis for evaluating the potential results of memberships of the two Sudans in the EAC.

The first argument for RI derives from the small market size of developing countries: Integration with other countries will have scale effects by enlarging the market. Larger markets will lead to more competition and thus to increased efficiency.

Second, necessary and agreed policy reform, including trade liberalization, is often blocked by import substituting industries or other interest groups with vested interests in keeping the status quo. In RTA the influence of these national groups is weakened.

Third, grouping in an RTA is a way to increase their voice on the international agenda. A region can also better afford a sizeable and appropriate negotiation team and representation than national states. Yet again, this may be more than offset by negotiation costs to arrive at regional positions in the first place.

Fourth, the policy of countries in an economic union with common policies is ‘locked in’ (i.e. individual governments are less able to reverse policies), which provides increased macroeconomic stability and credibility.

Last, RI can be taken as a step towards international integration. A gradual opening, starting with regional integration, may be more feasible and entail lower adjustment costs than immediate integration in the world economy. An “incremental trade reform” (Gantz 2009) through RTAs may also be able to reach a higher degree of depth in economic cooperation⁴⁴ than the multilateral World Trade Organization (WTO) negotiations. Arguably it is easier to reach agreements between like-minded states (ibid.). However, when the created regional integration agreements (RIA) are highly protective, they may be more harmful than beneficial for global integration.

⁴⁴ From least to most important: preferential trade arrangements, free trade agreements, customs union, common market.

Based on these traditional and new arguments, the following criteria can be taken to assess benefits of regional integration:

Strength of prior trading among RTA partners: When countries trade a lot with each other before RTAs are created, they are described as ‘natural trade partners’. RTAs among such partners are likely to result in more substantial trade and to be more sustainable than otherwise.

Complementarity of production and demand: When countries produce the same or similar goods and services (particularly when they are little processed), there will naturally be limited scope of demand for each other’s commodities.

Economic and trade policy orientation: The success of RTAs is likely to be greater and more positive when the overall stance of partners on economic policy, and on trade policy in particular, is similar.

Before this framework is applied, the ensuing three brief sections will introduce the situation in the EAC, South Sudan and Sudan.

The situation of Sudan

Sudan’s structural economic problems have worsened over the past decades. The country has faced declining agricultural productivity since the 1990s and its export base has grown narrower. It is currently almost limited to commodities and concentrated on the Middle East (to a lower degree on Africa). Transaction costs are high. Key components of these are taxes, and a largely declining transport network.

In view of several factors, including low investment in agriculture, the competitiveness of agricultural exports suffered and agricultural export earnings stagnated, although remaining the dominant source of foreign exchange until the advent of petroleum exports in 1999.

From that time onwards, Sudan has turned from an agricultural exporter to a petroleum exporter, following the unprecedented boom of its petroleum export revenues. Oil has become the commodity that dominates the economy, inducing a development path that neither spreads through the economy nor leads to broad development. It has negative impacts on incentives. Although high growth was achieved, poverty remained rampant.

Sudan continues to remain among the poorest countries in the world and poverty and food insecurity levels are increasing. There are great disparities between different regions, and across the rural-urban and gender space;

a situation also exacerbated by regional conflicts. Sudan's exports are increasingly concentrated on fewer products and fewer importing markets, largely in the Middle East and Asia. Very little is exported to other African countries, despite the preferential access to the partners of the Common Market for Eastern and Southern Africa (COMESA).

Like the other African countries, Sudan has championed RI in all its development plans and in many declarations. Sudan is a member of the COMESA and the Greater Arab Free Trade Area (GAFTA). Sudan is also part of negotiations between an Eastern and Southern African (ESA) group (also part of COMESA) and the European Union on an Economic Partnership Agreement (EPA). At the same time, COMESA is preparing a tripartite free trade area with two other African regional groupings, the EAC and the Southern African Development Community (SADC).

Despite the fact that COMESA is institutionally most advanced, Sudan is not part of its customs union launched in 2009. COMESA (accounting for a mere 1.8 percent of total merchandise exports of Sudan in 2001–06) has also not been a very dynamic export destination, aside from Egypt (also a GAFTA member) that imports livestock, sesame, molasses, and cotton (86 percent of Sudan's exports to COMESA).

Despite the reduction in tariffs within COMESA, member states are still grappling with non-tariff barriers, in particular administrative entry procedures, including customs valuation, rules of origin and pre-shipment inspection, as well as health and other technical rules and regulations.

GAFTA countries are by far more important markets, accounting for 12 percent of Sudan's total merchandise exports in 2001–06. It should be a priority export market for Sudan not only in view of the preferential market access Sudan enjoys but also of many other advantages, such as proximity (physical and cultural), and a large and increasing appetite for value-added processed products where the preferential margins are much greater.

Since the advent of petroleum exports in 1999, Asia (and China in particular) has become the single most important destination of Sudanese exports (86 percent of total merchandise exports in 2006 and growing). Agricultural exports have lost their importance, with Middle Eastern countries accounting for some 30 to 35 percent, Asian countries accounting for some 40 to 45 percent and European and other industrialized countries for about 25 percent. There is relatively little trade with African countries, including Sudan's COMESA partners (aside from Egypt). It is only with

Asia that Sudan has a positive trade balance and this is due to the huge petroleum exports to that region.

While the sources of imports of Sudan are much more diversified than its export destinations, the broad picture is similar. Most imports to Sudan come from Asia, and China in particular.

There was little preparation for the economic impacts of South Sudan's independence. The current account deficit amounts to an estimated US \$-5.7 billion (as by September 2013), foreign exchange depreciation of almost 100 percent (as compared to 2011), and an official inflation rate of 33 percent (which is certainly an underestimate). Food prices have more than doubled since 2009. While the country's imports are rising, non-oil exports decline. The policy response so far appears to concentrate on the hopes of increasing oil exploration in the west and the exploration of other minerals such as gold. Yet the need for a broader-based growth and diversification is pressing.

The situation of South Sudan

Considering the main economic and human development indicators, the situation in South Sudan is much more serious in many respects than that of Sudan—although the averages here also mask serious underdevelopment in the peripheral areas of the Sudan.

South Sudan is unique as it combines challenges of different country groups:

- It is a post-conflict economy with its particular challenges of state-building;
- It is land-locked;
- It is, in many respects, a virgin country as it was neglected for most of its colonial and post-colonial history.

All of these are heavy burdens. But the country holds also promise with its natural resource wealth, a young population, and support by numerous countries. The country has an abundance of fertile land, much of which is only marginally used, and is also rich in mineral resources. But a multitude of constraints hold back their exploitation: Continuing insecurity, weak institutions, lack of land rights, minimal infrastructure.

Across the board, the skills base that is increasingly becoming the basis for raising incomes will have to be built. To achieve this, this will have to go beyond addressing the high rate of illiteracy into the sphere of vocational training and higher education.

In virtually all the challenges the country is facing, lessons from the experiences of other countries, positive and negative, can be learnt. Yet these lessons cannot simply be replicated. They need to be carefully considered and whatever lessons they provide need to be tailored to the country's own context—which differs in various dimensions. To support this, an indigenous research structure is needed—presently it is at best in its infancy. Another area of concern is the still very difficult business environment.

Final key bottlenecks are the unresolved issues with the Sudan and the mutual mistrust. Sudan and South Sudan are bound together not only because of their shared history and the numerous human and family bonds, but also simply as neighbors. History shows that the stability and success of neighboring countries (or their lack thereof) have a major impact on the success of a country. The sooner the conflicting issues are resolved, the better for both sides.

The East African Community

The East African Community (EAC) with its five members (Burundi, Kenya, Rwanda, Tanzania, and Uganda) is one of 16 RI organizations in Africa, and one of seven recognized by the African Union as building blocks for African integration. In different respects, the EAC is different from the other regional economic communities (RECs) in Africa. As the only one (besides the SACU that goes back to 1905), it has historical roots—and this in two respects:

First, it had already existed before (from 1967–1977, then consisting of Kenya, Tanzania, Uganda, the three main countries). It broke up, not only because of different policy outlooks (Kenya pro-Western, Tanzania socialist, and Uganda under military rule), but mainly because the other two countries felt short-changed by the dominant Kenya.

Second, the original EAC built on the joint British administration of East Africa that had given the region a number of common policies and

institutions (Kenya and Uganda had had a customs union since 1917, which Tanzania joined in 1927). These historical roots gave the EAC an important head-start over the other African RECs.

In 2000, the three former EAC countries founded the EAC again. In 2004, a customs union protocol was signed (effective from 2005). The protocol provided for progressive implementation of the customs union within a transitional period of five years, ending in 2010. Rwanda and Burundi joined in 2007.

The customs union was followed by the EAC Common Market Protocol, which came into effect in 2010. This added to free trade in goods, free trade in services, capital, investment, and free movement in labor within the region. Further steps planned are a monetary union and a political federation. The scope of integration is very wide, including no less than 17 areas of cooperation with 60 elements.

Beyond plans and protocols, the institutional development of the EAC is progressing. As other RECs, the EAC has a parliament, and it is the only one that has actual law-making competence. The EAC also has a judiciary—the East African Court of Justice. The EAC also established a crisis prevention mechanism and three members (Burundi, Kenya, Uganda) actually sent forces to establish peace in Somalia. Although there are various delays in implementing the customs union and common market protocols, the EAC has made great strides and is ahead of other African RECs.

Arguably, the most important factors to assess the success of a RI scheme are the outcomes, the results of these protocols and institutions. As trade integration, as in other RECs, is the first and foremost dimension of EAC, the first issue to tackle is the change in trade within the region. The EAC countries trade about 20 percent of total trade with one another—almost twice as much as in the other African RTAs. This is significant and very hopeful, as it defies the traditional argument that South–South trade, trade among developing countries, will not be successful as the countries are no ‘natural trade partners’.

Once the still numerous barriers to regional trade within EAC are gradually removed, it can be expected that trade will continue to grow substantially. At the same time, for the foreseeable future the main markets are likely to remain richer countries in Europe, Asia, and America.

On a more general note, most EAC countries (Rwanda, Tanzania, Uganda) plus Ethiopia, another important East African neighbor to both Sudans, are rated among the 17 hopeful countries of ‘emerging Africa’ that have left behind years of conflict, stagnation, mismanagement, and poor governance (Radelet 2010). Starting from a low base, the EAC countries have slowly but steadily improved various categories of governance: government effectiveness, regulatory quality, political stability, rule of law, voice and accountability (World Bank 2012).

Because of its positive developments, an increasing number of countries has expressed interest in membership in the EAC (Ethiopia, DR Congo), while three countries have actually applied (South Sudan, Sudan, Somalia).

However, the balance sheet of the EAC shows also a number of bottlenecks and raises question marks. Despite the customs union protocol, its realization is still far from accomplished. Notably, non-trade barriers (NTBs) have replaced the reduced or abolished tariffs (as elsewhere) to a high degree. The business conditions are far from perfect. While doing business improved in Rwanda and Tanzania, it deteriorated in all other member countries over the period 2006–12. As noted above, welfare (income, health) improved, but less so than in other RIA. The planned monetary union and political federation have a long way to go. The envisaged deepening of the EAC will also necessitate major changes whose speed and success cannot be taken for granted.

Perspectives of South Sudan and Sudan’s membership in the EAC

This section discusses EAC membership of the two Sudans from the points of view of the new member states and the EAC (see Table 11 for an overview of their basic data). For any membership to be successful and sustainable, it needs to have positive effects on both sides—and these need to be recognized by their leadership and their wider interest groups.

What would most likely be the benefits of EAC membership for South Sudan? First and foremost, it can help to bring an element of stability and security to South Sudan and its neighbors. Besides being a fundamental element of human welfare in itself, it is definitely an indispensable condition for economic development in the country.

Table 11: Basic data on EAC, South Sudan and Sudan

	Population (million)	Land Area (‘000 km ²)	GDP (mill., US \$, current), 2010	GNI <i>per</i> <i>capita</i> , PPP, current US \$, 2010
Burundi	8.4	28	1,611	400
Kenya	40.5	580	32,198	1640
Rwanda	10.6	26	5,628	1150
Tanzania	44.8	945	22,915	1440
Uganda	33.4	242	17,011	1250
South Sudan	8.3	644	13,227	984
Sudan	43.6	1861	62,046	2030

Sources: World Bank 2012, SSNBS 2012.

The economic relationships between the EAC and South Sudan have increased markedly over recent years. EAC membership will strengthen, secure, and regulate the access to goods, services, capital, and ideas from EAC, many of which will be just appropriate for the market, as populations and conditions are similar.

Once the vast agricultural potential of South Sudan is realized, East Africa will be a first and major market. And due to its experience, EAC can play a major role in the process of realizing this potential. Furthermore, the EAC will provide the corridor for South Sudan’s access to the world market. Improved roads and a railway are planned (a pipeline for its oil is in the planning stage).

As reported, quality of governance is a vital factor that determines the success of both RI and wider development in general. While the governance indicators of the region are not high, they are improving and prime attention is given to this process. Regular reports, monitoring and discussions take place and South Sudan would benefit tremendously from taking part in and contributing to this process, which in itself will strengthen those in the country that favor improved governance and help the process of establishing institutions for this purpose.

It would be as important for the country to raise its voice by becoming part of the EAC. Even more important in the face of a weak civil society and fledgling parliament and accountability institutions, the credibility of national policies, plans, and actions will increase when they are locked into the EAC process, which would lessen the likelihood of policy reversal.

Having separated from Sudan (that was negotiating an Economic Partnership Agreement (EPA) with the European Union (EU) but does not look like signing it in the near future), South Sudan could make an own start for an EPA by becoming part of the EAC negotiations. Despite all hindrances and concerns, the EU is still the major trading partner for the region and will remain attractive even after the further rise of China with its high per capita income. Improving the relationship in trade and development with such a major partner will be important in order to shift from an emergency to a development mode.

Being part of the EAC could also be a stepping stone towards becoming a member of the WTO—essential for trade expansion and diversification in the medium term.

However, it will be important for South Sudan to rapidly build up its capacity in negotiation and policy research to arrive at an agreement that will be in the best interest of the country and will also be regarded as such. While the government has applied for EAC membership, not everybody in the country supports the plan. Some are reported to be in favor of a longer process, first with an observer status only, while others believe the country should have bilateral relations with the EAC members instead. Mechanisms will have to be built in an agreement that will allow the country to take a path of structural change and production and export diversification, and to avoid a fate of polarization—becoming simply a market for the goods of neighboring countries and paying by oil.

What are and what should be the concerns of the EAC? According to the EAC Treaty (2000), its Partner States may negotiate “with any foreign country” the granting of membership to, or association of that country with the Community or its participation in any of the activities of the Community (Art.3). Article 3 spells out six conditions for new members:

- Acceptance of the Community as set out in the Treaty;
- Adherence to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice;

- Potential contribution to the strengthening of integration with the East African region;
- Geographical proximity to and inter-dependence between it and the Partner States;
- Establishment and maintenance of market driven economy; and
- Social and economic policies being compatible with those of the Community.

In July 2012, following the application of South Sudan, EAC sent a Verification Committee to assess the readiness of South Sudan to become a member.

In its report, the commission ascertained that the respective laws exist for nearly all conditions (except for condition 4, the geographical proximity that is obviously fulfilled), and plans are generally in line with EAC principles and priorities even though most of the necessary institutions are nascent or not yet operational. It also noted that the limited knowledge among government officials and other stakeholders about EAC may constitute a problem for smooth integration into the EAC. Furthermore, it commented that the unresolved conflict with Sudan may undermine the country's effective integration into EAC and that not all of the stakeholders in South Sudan support an EAC membership. Nevertheless, official negotiations on membership started in October 2013.

Beyond the formal EAC assessment, there are manifest interests in South Sudan's membership. Increased stability and security in the region is expected as a result from bringing South Sudan into the EAC community. Economic interests are certainly yet another major factor. Since peace in Southern Sudan in 2006, economic relationships have blossomed. Reportedly, 40 percent of Uganda's and 20 percent of Kenya's exports go to South Sudan. South Sudan is also a recipient both for skilled labor and for investment. The recently launched LAPSSET corridor (Lamu Port-South Sudan-Ethiopia) is planned to provide a major connection. The production structures of EAC and South Sudan are complementary. Kenya in particular is more advanced industrially, while it tends to have food deficits.

Despite the fact that South Sudan needs substantial capacity-building, it will strengthen the EAC in the longer term. While it is still too early to assess South Sudan's policy on regional integration with the EAC, its orientation towards market economies is similar.

At the same time, it needs to be recognized that there may be a trade-off between further widening the EAC and the deepening process. One is likely to be at the cost of the other. However, as yet RI is not fully fledged—new members will not necessarily delay deepening integration.

The EAC membership application of Sudan in June 2011 has been shelved for the time being as it presently does not border any EAC country. If South Sudan became a member, Sudan would be eligible on this count.

Independent of this, what is the case for—or against—a membership of Sudan? As to economic interaction, it is quite weak. The absence of any direct infrastructural link does not help either. As reported, Sudan's links are currently more with the Middle and Far East, notably China.

However, if and when agriculture is revived and diversified, the EAC could be a major market for Sudan. EAC membership would also support a process of economic reform and export diversification. The EAC is clearly more advanced and started the process of deeper integration than those RIA Sudan is member of. EAC membership would also be a way to lock in Sudan's policy reform process—if it is to happen. While some indicators can be found for such, the country's policy agenda at the time of writing seems to rather give priority to economic crisis management and political-military fighting against insurgents in the west, south and east.

Under the current circumstances in the country, the membership application by Sudan is likely to be more appropriately interpreted as a strategic move to undermine South Sudan's aspirations. In this context—beyond and more important than the lack of direct neighborhood—the considerable disparities in governance and trade policies make a membership of Sudan seem quite inappropriate.

The EAC's official decision to reject was based on the clear need of a joint border. Yet, the high disparities in governance indicators (in particular democracy and human rights), and, more importantly, the gap between the levels of ambitions with respect to improving those have reportedly been the deeper concern. Sudan also does not share the EAC's ambitions for deeper integration.

Related to this, the trade policy outlook is very different. While the EAC looks to liberalizing, Sudan still maintains high trade barriers. In addition, the policy credibility of Sudan's government is a problem.

Under these circumstances, an EAC membership of Sudan would definitively delay the process of deepening the EAC. As Table 10 (above)

shows, Sudan would also be a large member country, with a big population, and an even bigger income. It would be the biggest member in economic terms and thus more difficult to absorb than the new members of Rwanda and Burundi, as well as South Sudan.

Nevertheless, stability and security would speak for a stronger relationship—but this does not have to be membership. Market access is not an important concern of part of the EAC at this point, as trade is minimal. The relationship could also grow within IGAD (Intergovernmental Authority on Development) where both Sudans, Kenya, and Uganda are members. Furthermore, infrastructure links could intensify interaction and thus increase trust. All in all, it would be more realistic for Sudan, if at all, to follow South Sudan at a time when it is ready to become a member on the terms of the EAC.

Conclusion

The promised benefits of EAC will multiply in the process of deepening trade relations. As it is yet at the beginning, new members do not necessarily delay the process. It should be ensured that negative effects are minimized and that new members are made to comply (and helped to be able to comply) with the attained status of EAC integration. They should join when they are ready to meet the principles and status of the EAC, not before with promises to do so later.

An important part of the preparatory stage is society-wide awareness-raising and consensus-building so that the membership plans are owned by the country, rather than merely by the government of the day.

The process of EAC integration of South Sudan and possibly Sudan at a later stage will improve the status of regional security. It will also strengthen domestic policy reform—but it cannot replace or force this process.

In the process of deepening and widening, EAC should take care to avoid becoming inward-looking. ‘Open regionalism’ will be vital to retain and actually increase integration into the world economy and competitiveness. For this, further improvement of the business climate will be vital.

Distributive effects between and within the member countries need also to be addressed in this process to achieve balanced development. The overall capacities to negotiate, administer, implement and monitor RI and its impacts will be vital.

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Glossary

<i>Abena</i>	“We will not comply”
<i>Akac Akac</i>	“Enough is enough”
<i>Ansar</i>	Followers
<i>Boma</i>	Lowest administrative unit in South Sudan, consisting of a few houses
<i>Dar</i>	Homeland
<i>Ereef</i>	Selection of experts
<i>Girifna</i>	“We Are Fed Up” (movement)
<i>Jihad</i>	Struggle in the way of Allah
<i>Jodiya</i>	Old Sudanese concept of mediation
<i>Kefaya</i>	“Enough” (movement)
<i>Khalwa</i>	Quranic school for children
<i>Lajna shabiya</i>	Popular Committee
<i>Majokwut</i>	Leader of the cattle camp
<i>Marisa</i>	Local alcohol/ beer
<i>Monyomiji</i>	‘Owners’ or ‘fathers’ of the village
<i>Munadhel</i>	A fighter who struggles for a cause
<i>Nafeer</i>	Call to mobilize
<i>Nashta (sing.)/</i>	
<i>Nashitaat (pl.)</i>	Activist(s)
<i>Pathuon</i>	Permanent settlements in drier areas
<i>Payam</i>	Second-lowest administrative unit, consisting of a group of <i>bomas</i> forming a community or town quarter
<i>Sultan</i>	Paramount chief in certain Sudanese tribes
<i>Sheikh</i>	Lowest level of administrator and arbiter within an ethnic group; also: teacher of Islam
<i>Titwengs</i>	Young males who offer protection to the camps and animals from raiders
<i>Toc</i>	Fertile low-lying swamps of the Sudd
<i>Umma</i>	Islamic community

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Most of the papers in this book were presented during the 9th International South Sudan and Sudan Studies Conference of the Sudan Studies Association USA and the Sudan Studies Society UK. 150 scholars from numerous academic disciplines, experts in conflict transformation and development, staff of non-governmental organisations (NGOs), former and current senior officers from ministries and military institutions from Sudan, South Sudan, and seventeen further countries participated in the conference. They engaged in vivid discussions on historical and recent cleavages in the societies of Sudan and South Sudan, inequality and exclusion in numerous variations, and on rapid social change accompanied by urbanisation and land conflicts. The severe economic crisis following the separation and the importance of creating political solutions instead of using technical approaches to work on the multitude of challenges affecting each of the two countries and the interrelations between them were also scrutinised. The participants intensely exchanged views and experiences on the difficulties and successes in taking responsibility rather than being dependent on foreign assistance. Discussions revealed strong potentials in both societies to overcome such problems; to initiate processes of reconciliation, and to consolidate peace. They shed light on the complex processes of nation-building and the creation of meaningful constitutions. This book attempts to capture at least some of this multitude of insights and aspects that had shaped the conference.



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